



Department of the Environment  
Becket House Lambeth Palace Road London SE1 7ER

Telephone 01-928 7855 ext 400

Messrs Stimpson, Lock & Vince  
9 Station Road  
WATFORD  
Hertfordshire  
WD1 1DY

Your reference

FAB/BG

Our reference

T/APP/5252/A/77/2141/G5

Date

31 OCT 77

Gentlemen

008008

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
APPLICATION NO: 4/0829/76

1. I am writing to you in connection with your appeal, which I have been appointed to determine, against the decision of Dacorum District Council to refuse planning permission for the temporary change of use of the first floor from residential to offices at No 33 Marlowes, Hemel Hempstead, Hertfordshire. As you will be aware, I inspected the site on 28 September 1977.
2. On the basis of my inspection of the site and surroundings and my consideration of the written representations made by you, the local planning authority and interested persons, I have decided that the determining issue in this case is whether or not the proposed development would represent an undesirable reduction in the housing stock of this part of Hemel Hempstead.
3. The appeal site is located to the north of the town centre of Hemel Hempstead and has a frontage to Marlowes, a local distributor road running from north to south and connecting the former shopping centre of the older urban area with what is now the commercial centre of Hemel Hempstead New Town. The site is approximately 800 m north of the centre of the new main shopping area.
4. The building on the site is one of a parade of shops, built about 50 years ago, which are similar in appearance, forming a terraced row with shop units of about 80 sq m on the ground floor and residential accommodation in the form of a maisonette unit of roughly 100 sq m on the upper 2 floors. The residential unit on the appeal site has an independent access from the street and access, by a separate stairway through the shop premises, to the space behind the building. The residential accommodation is vacant and the shop unit is in use as an estate agency.
5. Having inspected the appeal site, I have formed the impression that the original design and layout of the building was conceived as a shop unit with associated residential accommodation for the owner or tenant only in view of the unusual internal layout of stairways. It seems to me that it is not now particularly suitable for retail trading since it is on the fringe of what is now the main shopping area and lacks the full storage and rear servicing facilities, which are now regarded as desirable in most retail premises.

CHIEF EXECUTIVE

- 3 NOV 1977

Received by .....

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6. The residential accommodation itself is, in my view, of marginal suitability in the light of modern standards of space and amenity. It is tolerably well lighted and has a reasonable orientation and outlook front and rear but its main access stairway is very steep and dark, the back garden is small and not easily accessible and is, moreover, overshadowed and overlooked by the nearby block of old people's flats.

7. In the particular circumstances of the case, I would not regard the loss of one residential unit as unacceptable as it might be in an area of housing stress. Situated as it is within a post-war new town area, I imagine that the standard of accommodation it provides compares very unfavourably with housing available elsewhere within the designated area of the new town. I am also aware that planning permission has recently been granted for 154 new units of housing on the vacant land immediately to the east. In relation to the probable quantity and quality of the local housing stock, therefore, I cannot see that the loss of one such unit of housing accommodation would have any significant impact.

8. I have taken into account the provisions of the approved development plan and also the contents of the non-statutory review document "Hertfordshire 1981" which have been referred to in the written representations. In my opinion, the apparent conflict in land allocation policies for the area surrounding the appeal site, contained in these documents, quite reasonably reflects the dynamics of change in what is an expanding urban area and will presumably be resolved in any local plan which may be adopted by the local planning authority in the near future.

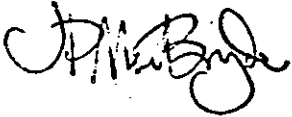
9. In the circumstances, I am inclined to regard the proposed development as unlikely to seriously upset the balance of housing provision in the locality. I am particularly influenced by the pattern of largely non-retail uses within the adjoining premises and the fact that proposals have recently been made to significantly increase the overall housing stock of this part of Hemel Hempstead. However, I consider that the accommodation in question should only be used in connection with the present use of the ground floor as offices in view of the problems of possible noise, disturbance and additional traffic generation which its independent office use might create.

10. I have taken into account all the other matters raised in the written representations, but do not find them of enough weight to affect my decision. For the above reasons and in exercise of the powers transferred to me, I hereby allow this appeal and grant planning permission for the change of use of the first floor from residential to offices at No 33 Marlowes, Hemel Hempstead, Hertfordshire in accordance with the terms of the application (No. 4/0829/76) dated 26 July 1976 and the plans submitted therewith (Drawing No 1655) subject to the following conditions:

1. the use hereby permitted shall cease on or before the end of a 5 year period starting from the date of this letter.
2. the premises shall be used as estate agency offices and for no other purpose (including any other purpose in Class II of the Schedule to the Town and Country Planning (Use Classes) Order 1972).

11. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than Section 23 of the Town and Country Planning Act 1971.

I am Gentlemen  
Your obedient Servant



J P MacBRYDE DA(Edin) DipTP(Lond) ARIBA MRTPI  
Inspector

Department of the Environment  
2 Marsham Street  
LONDON SW1P 3EB

Under the provisions of section 245 of the Town and Country Planning Act 1971 a person who is aggrieved by the decision given in the accompanying letter may challenge its validity by an application made to the High Court within 6 weeks from the date when the decision is given. (This procedure applies both to decisions of the Secretary of State and to decisions given by an Inspector to whom an appeal has been transferred under paragraph 1(1) of Schedule 9 to the Town and Country Planning Act 1971).

The grounds upon which an application may be made to the Court are:-

1. that the decision is not within the powers of the Act (that is the Secretary of State or Inspector, as the case may be, has exceeded his powers); or
2. that any of the relevant requirements have not been complied with, and the applicant's interests have been substantially prejudiced by the failure to comply.

"The relevant requirements" are defined in section 245 of the Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 or any enactment replaced thereby, and the requirements of any order, regulations or rules made under those acts or under any of the Acts repealed by those Acts. These include the Town and Country Planning (Inquiries Procedure) Rules 1974 (SI 1974 No 419), which relate to the procedure on cases dealt with by the Secretary of State, and the Town and Country Planning Appeals (Determination by Appointed Persons) (Inquiries Procedure) Rules 1974 (SI 1974 No 420), which relate to the procedure on appeals transferred to Inspectors.

A person who thinks he may have grounds for challenging the decision should seek legal advice before taking any action.

TOWN AND COUNTRY AMENITIES ACT 1974

Your attention is drawn to the provisions of section 277A of the Town and Country Planning Act 1971, (inserted into the Act by the Town and Country Amenities Act 1974 which came into operation on 31 August 1974) which require consent to be obtained prior to the demolition of any buildings in a conservation area.

DPI 115A



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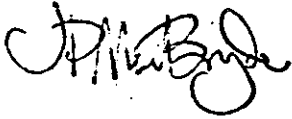
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I am Gentlemen  
Your obedient Servant

A handwritten signature in cursive script, appearing to read 'J P MacBryde'.

J P MacBRYDE DA(Edin) DipTP(Lond) ARIBA MRTPI  
Inspector



Department of the Environment  
2 Marsham Street  
LONDON SW1P 3EB

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