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Mr P Kennelly
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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL							Your reference
Ref.				Ack.			Our reference T/APP/A1910/A/89/143778/P4
C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File	
Received				14 JUN 1990			Date 13 June 1990
Comments							

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/1275/89

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Dacorum Borough Council to refuse planning permission for the conversion of a bedroom and garage to a living area at 37 Chapel Street, Hemel Hempstead. I have considered the written representations made by you and by the Council and I have also considered those representations made directly by a local resident to the Council which have been forwarded to me. I inspected the site on 9 April 1990.

2. From my site visit and the representations it is clear to me that your application is for change of use to a separate residential unit and that this development has already taken place. I propose, therefore, to deal with the appeal as if it arose from refusal of an application made under Section 32 of the above Act for the continuation of use of the premises for this purpose.

3. From my inspection of the site and surroundings and examination of the representations I consider that the main issues in this appeal are firstly, whether the restricted size of the back gardens would result in unsatisfactory living conditions at both the original and the new dwellings and, secondly, the effect of the development on the free flow of traffic on adjoining roads.

4. On the first issue, I saw on my site visit that the appeal site comprises one of a pair of semi-detached houses situated on the corner of Chapel Street and Sunmead Road and at an angle to these roads. The appeal premises are set well back from Chapel Street on a wide frontage with the front garden sloping upwards from the road. The rear garden has been subdivided, with an area of about 45 m² retained as part of 37 Chapel Street and an area of about 7 m² allocated to the new dwelling, according to the Council's representations.

5. Both gardens face north and are surrounded by high walls and fences so that there is limited sunlight. The larger garden, however, is of adequate size and shape for most outdoor activities. The loss of a small part of the original garden has not, to my mind, resulted in a cramped garden. This property also has a large south facing front garden. The area attached to the new dwelling, on the other hand, has very limited use as a garden because of its restricted size and shape. Nevertheless, I saw that this is not an unpleasant, unused area. The new house has only one bedroom and although it may not be suitable for occupation by a family I do not consider that the size of the rear garden in itself results in unacceptable living conditions. In addition Annex A of Circular 22/80 states albeit in the context of estate development that functional requirements, such as the size of

gardens, are for the most part matters for the developers and their clients. For these reasons then, I consider that the development would not result in an unacceptable standard of amenity and would not therefore conflict with policies in the Hertfordshire Structure Plan, and in the adopted Dacorum District Plan which aim to enhance the environment of residential areas.

6. Turning to the second issue, the Council's car parking standards have recently been revised, and now 2 spaces are required for a 2 bedroom dwelling and 1.5 spaces for a one bedroom dwelling. Fractions are normally rounded up to the nearest whole number. In this case, I consider that it would be reasonable to provide a total of 3 spaces for the combined usual needs of these 2 dwellings.

7. I have taken into account your submission that there are no parking problems in the area. I saw, however, that Chapel Street is narrow and few of the older properties fronting it have off-street parking. In my view it is necessary, therefore, to provide 2 further spaces. Although the front garden rises steeply and is close to the junction with Sunmead Road, I consider that such provision could be accommodated without an excessive area of hard surfacing or significantly increasing hazards to traffic. I propose, therefore, to attach a condition requiring this, as suggested by the Council. As adequate car parking can be provided in accordance with the Council's policy, I see no reason why the development would lead to a significant increase in congestion and there is no compelling reason on this issue to dismiss your appeal.

8. The Council also submits that the small gardens would be out of character with the area. I do not consider, however, that this outweighs the considerations that have led me to allow this appeal. I consider, however, that as the plot is very restricted further extensions to either the original or the new dwelling could harm neighbours' amenities and I therefore propose to attach a condition withholding permitted development in this respect.

9. I have taken into account all the other matters raised in the representations but they do not alter my conclusions on the main planning issues.

10. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the continuation of use of a bedroom and garage at 37 Chapel Street, Hemel Hempstead as a separate residential unit in accordance with the terms of the application (No 4/1275/89) dated 27 July 1989 and the plans submitted therewith, subject to the following conditions:

1. within 6 months of the date of this permission space shall be laid out within the site for 2 additional cars to be parked, in accordance with details agreed previously by the local planning authority;

2. notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any Order revoking and re-enacting that Order) no enlargement of the dwelling-houses permitted by the Class A of Part 1 of Schedule 2 of the Order shall be carried out without the prior consent of the local planning authority.

11. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

12. 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 Sir
Your obedient Servant

S.A.T. Holder

S A T HOLDER BA MSc MRTPI
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

SG



DACORUM BOROUGH COUNCIL

To Mr P Kennelly
37 Chapel Street
Hemel Hempstead
Herts

<p>Conversion of garage and bedroom to dwelling</p> <p>at 37 Chapel Street, Hemel Hempstead</p>

Brief
description
and location
of proposed
development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated undated and received with sufficient particulars on 27 July 1989 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

1. No provision for additional car parking has been made within the site to serve the existing dwelling at No. 37.
2. The site is not large enough to accommodate an additional dwelling.

Dated 28th day of September 1989

Signed

SEE NOTES OVERLEAF

P/D. 15

Chief Planning Officer

NOTE

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form obtainable from the Secretary of State for the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
2. If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Borough Council in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in s.169 of the Town and Country Planning Act 1971.