

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other
Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Quwatul Islam
6 Long John
Bennetts and
Hemel Hempstead
Herts

Messrs David Picton & Co
13/15 Queensway
Hemel Hempstead
Herts
Herts

Change of use of part of dwelling to place of
worship
at 262 Cotterells, Hemel Hempstead

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 22 October 1981 and received with sufficient particulars on 22 October 1981 and shown on the plan(s) accompanying such application.

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

1. The proposed use of the dwelling would be likely to attract additional vehicles and pedestrians to the site which would seriously interfere with the free flow and safety of traffic on this highway. Furthermore, the proposed use, by virtue of increased level of activity would adversely affect the amenities of the area and the occupiers of nearby residential properties.

Dated 7 day of January 1982

Signed *Colin Barnett*
Designation Chief Planning Officer

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Secretary of State for the Environment, Whitehall, London, S.W.1.) 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.
- (3) 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 District 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.
- (4) 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 section 169 of the Town and Country Planning Act 1971.



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PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

Ref	DP	B.C.	File
Comments			
Your reference EWGP/JAD/1082			

Our reference

T/ARP/5252/A/82/7207/89

Date

26 NOV 1982

CIVIL SERVICE

29 NOV 1982

The Riches and Blythin Partnership
Architects and Town Planning Consultants
29 High Street
HEMEL HEMPSTEAD
Herts
HP1 3AA

Gentlemen

0022

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY QUWWATUL ISLAM
APPLICATION NO:- 4/1339/81

1. I refer to this appeal, which I have been appointed to determine, against the decision of the Dacorum District Council to refuse planning permission for change of use of part of dwelling to place of worship at 262 Cotterells, Hemel Hempstead. I have considered the written representations made by you and by the council and also those made by Mr Nicholas Lyell MP and other interested persons. I inspected the site on Monday 18 October 1982 but held up this letter to take account of representations dated 18 October 1982 and 9 November 1982 received after my visit.
2. I note from the letter accompanying your clients' application that the change of use would apply only to the ground floor of the premises, the first floor being intended as a flat for the priest. I have considered the application on this basis.
3. The appeal site is situated to the south-west of Hemel Hempstead town centre. It lies at the south end of Cotterells, a minor road, near to its junction with Station Road, A414. In the neighbourhood of the appeal site the west side of Cotterells is predominantly in residential use, but with a number of significant commercial uses, while the east side is occupied by a very large office building with associated car parking and amenity space. The appeal premises comprise a semi-detached building, erected as a house, dating from around the end of the last century. Like the adjoining properties the front of the building is positioned close to the back of the pavement. Immediately on either side of the site are dwellings but beyond them close by are non-residential uses. To the south is a sizeable public house and to the west of that a public hall. Nearby to the north of the site is a car sales and repair business and beyond that a petrol filling station with car rental premises. The appeal site lies in an area allocated primarily for residential purposes on the approved County Development Plan 1971. The ground floor of the premises appeared to have some religious use at the time of my inspection.
4. The Council refused permission because they consider that the use would attract additional traffic to the site, to the detriment of traffic flow and safety, and would adversely affect the residential amenities of nearby properties due to an increased level of activity. You contend that the Council have misunderstood the nature of the use. What is involved is the use of the premises by a small number of people, 5 times a day, for quiet prayer, and for the religious education of a small number of children for a period each afternoon. You contend that these uses

would cause no annoyance to adjoining residents. There are no serious traffic or car parking problems in Cotterells at present and the use would have no significant effect on traffic or car parking. With a number of commercial premises in the vicinity it is very questionable if the south end of Cotterells can still be regarded as a solely residential area and in this situation the use would have no tangible effect on amenity or traffic conditions. You state that Quwwatul Islam urgently need an appropriate centre and that such uses have been accommodated satisfactorily in residential areas elsewhere in the country.

5. From my inspection of the appeal site and its surroundings, and the representations made, I consider that the main issue in this case is whether or not the change of use would do material harm to the residential amenities of nearby dwellings.

6. In my opinion an important element in the case is the fact that there are windows and doors of adjoining dwellings within a few feet of the appeal premises. These dwellings are in close proximity to the commercial uses I have referred to. However they appeared to me to be in sound condition and fully capable of continued residential use. I observed that the ground floor accommodation of your clients' premises is of modest size and not capable of accommodating very many people at any one time. I see no reason why use of the premises for prayer and instruction need create problems from noise arising within the building. However, although I accept that large numbers of people are not likely to be involved I consider that the arrival and departure of worshippers 5 times a day and children must create very substantially more activity and noise outside the premises than normal residential use of the building would do. In my opinion this activity, which would occur in very close proximity to the adjoining dwellings, would have an unacceptable effect on the residential amenities of those dwellings. I recognise that these properties are already much affected by activity and disturbance associated with the nearby public house and motor businesses, in particular, but I do not regard this as a justification for making conditions worse. In my opinion the appeal proposal would make conditions materially worse, due to the very close proximity of the use to the existing dwellings.

7. I am satisfied that the geometry of the junction between Cotterells and Station Road is acceptable, in highway design terms, and I noted the general absence of parking restrictions on Cotterells at present. However, while I accept your client's contention that most visitors to the premises would not travel by car I consider that a minority would be likely to do so. From the representations made and from my inspection I am satisfied that there is a clear shortage of car parking facilities in the immediate vicinity and in my opinion your clients' use would work to make this situation worse and would have some adverse effect on traffic safety. I have considered whether it would be appropriate in this case to grant a temporary permission so that the effects of the use could be tested over an extended period. However I am satisfied that this particular site is not an acceptable one for the use and therefore I see no justification for granting a temporary permission. I have had full regard to your client's circumstances in having had great difficulty in finding premises and in having bought the premises, and I recognize their urgent need for permanent facilities in the town. I have considered these and all the other matters raised, including the statement that the premises have been used for purposes of prayer for some months without any practical problems and the representations made about the provision of such facilities elsewhere in the country but regret that in my opinion they do not outweigh the considerations leading to my decision that permission should not be granted.

8. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant

A J J STREET
Inspector