



## Department of the Environment

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 Messrs E. W. Wallaker and Company  
 282 Kensington High Street  
 LONDON W14 8DE

Your reference MJD/ST/LDN

Our reference T/APP/5252/A/80/6127/G2

PLANNING SECTION		22 DEC 1980		22 DEC 1980 Date	
FILE No.		DATE		Cleared	

19 DEC 1980

Gentlemen

 TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9  
 APPEAL BY BRITANNIA BUILDING SOCIETY  
 APPLICATION NO:- 4/1365/79

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 the change of use of the first floor from residential to office at 222 High Street, Berkhamsted. I have considered the written representations made by you and by the council. I inspected the site on 17 November 1980.
2. From my inspection of the site and its surroundings and from the written representations made I am of the opinion that the principal issue in this case is whether the proposed use of the first floor for offices would be acceptable in this location, having regard to the character of the building and its suitability for residential accommodation.
3. The approved County Structure Plan contains specific criteria for office development, including (Policy 6) conversion and change of use - where as a general rule office development will be resisted if it involves the loss of residential accommodation. In relation to listed buildings it states that a change of use to offices will only be permitted where the proposal ensures the continued life of the building and the property is not reasonably capable of some other beneficial use. The council state that the premises could be made suitable for renewed residential occupation and, despite the lack of amenity space and private access, its use as an independent unit would not be impossible.
4. You submit that the premises are unsuitable for general residential use by virtue of their size and the arrangement of the access. You also contend that the unit is too large to be usable as ordinary staff accommodation and that this is evidenced by the fact that the first floor accommodation was vacant for several years when the building was owned by a bank. In order to meet the high maintenance costs and obtain the necessary security it is your view that the property is more appropriate for a commercial use than a residential use and because the building is listed as being of architectural or historic importance a redesign is not possible.
5. The appeal property lies in a shopping and business area in the centre of Berkhamsted. It comprises a Grade II listed 2-storey brick building on the north side of High Street. At the rear of the property beyond a 2-storey office building is an area of car parking, associated with the society's offices, which is served by a rear access road. A short distance to the west there is a pedestrian link to High Street between Nos 224 and 226.

6. From High Street access to the Society's main offices on the ground floor of No 222 is via a small entrance hall in the centre of the building which also contains a door leading to an inner hall. From this inner hall one doorway leads to the western part of the ground floor which, although apparently unused at the time of my visit, forms part of the office accommodation. A second door opens directly onto a long flight of stairs leading to the first floor where the rooms are arranged along either side of a central corridor. Two large rooms occupy the front of the building and there are 2 further rooms, a kitchen and a bathroom along the rear.

7. In my opinion the present accommodation on the first floor is large but not excessively so, and generally in good order although there were occasional signs of damp penetration. I formed the impression that the rooms were light, pleasantly arranged and decorated and I can see no reason why they would be unsuitable for residential use. I accept that the existing access arrangements could be a source of difficulty, particularly if the flat is not occupied by a staff member, but I am not persuaded that this is sufficient reason to allow the proposal; nor do I have any evidence which convinces me that it would be impossible to improve this situation in a way that would not adversely affect the character of the building. I have therefore come to the conclusion that there are no overriding circumstances which would justify making an exception to the council's policy in this particular case, and it is my judgement that the proposal would result in an unacceptable loss of residential accommodation.

8. I have taken into account the development you have referred to at 226 High Street and other office uses at first floor level which I noted in the vicinity but I do not find any precedent for the appeal proposal. I have also taken into account all the other matters raised in the written representations, including the cost of maintaining a building of this nature, but they do not seem to me to outweigh the considerations which have led to my decision.

9. 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 K BRAGG ARICS MRTPI  
Inspector

## TOWN &amp; COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF ..... DACORUM .....

IN THE COUNTY OF HERTFORD .....

To Britannia Building Society,  
222 High Street,  
Berkhamsted,  
Herts. HP4 1AG

Messrs. Stimpson, Lock & Vince,  
Chartered Surveyors,  
9 Station Road,  
Watford,  
Herts.

..... Change of use of first floor from residential  
..... to office  
.....  
at ..... 222 High Street, Berkhamsted .....

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 ..... 15th September, 1979 ..... and received with sufficient particulars on ..... 21st September, 1979 ..... and shown on the plan(s) accompanying such application.

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

The development proposed will result in the loss of residential accommodation which is considered capable of continued residential use and thus is in conflict with one of the criteria set out in the office policy in the Approved County Structure Plan (1979).

Dated ..... 15th ..... day of ..... November ..... 1979 .....

Signed .....

Designation Director of Technical Services

## 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.