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Your reference

3053

Our reference: DORSET DISTRICT COUNCIL
T/APP/A1910/C/85/3562/P6 and
T/APP/A1910/A/85/038511/P6

Date

13 JUN 86

B.C.

A/APP

13

Received

13 JUN 1986

Comments

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTIONS 88 AND 36 AND SCHEDULE 9
LOCAL GOVERNMENT AND PLANNING (AMENDMENT) ACT 1981
APPEALS BY FOTORAMA (UK) LIMITED
LAND AND BUILDINGS AT 15 WESTERN ROAD, TRING

1. I have been appointed by the Secretary of State for the Environment to determine these appeals. They are against an enforcement notice issued by the Dacorum Borough Council and against a refusal of planning permission by that Council concerning the above-mentioned land and buildings. I have considered all the representations made by you and by the council and also those made by interested persons. I inspected the site on 29 April 1986.
2. a. The date of the notice is 26 July 1985.
- b. The breach of planning control alleged in the notice is the change of use of the land from use for retail and residential purposes to use for retail and office purposes.
- c. The requirements of the notice are the discontinuance of the use of the land for office purposes.
- d. The period for compliance with the notice is 6 months.
- e. The appeal was made on grounds 88(2) (a), (g) and (h).
3. The development for which planning permission was refused is the change of use from retail and residential to retail and office.
4. No 15 is the end of terrace 3-storey property occupying a corner site at the junction of Western Road and Queen Street. The main frontage is to Western Street with access to the ground floor shop. The longer return frontage to Queen Street has a side door with stairs leading to the upper floors, and a gate to a small open courtyard area behind the building which also provides access to a 2-storey building, formerly a barn and now incorporated into the office use of the premises.
5. On the ground floor the front room provides a shop. Behind it 2 office spaces have been created either side of the chimney breast and at the rear of the building there are small tea room and toilet compartments and access to the courtyard. From one of the offices there is an opening into the staircase, by the door to Queen Street. On the first floor 3 rooms are fitted and occupied as offices. On the second floor the former kitchen space has also been brought into use as an office; at the rear the bathroom facilities remain. In the store building across the

courtyard the ground floor is used as a post room and the upper floor in connection with the office use of the building.

6. Western Road is a main route through the town. The remainder of the terrace block is in residential use but there are further commercially used properties along the road. Queen Street is a short length of road leading to King Street and a mostly residential area. Behind No 15 there is the garage of the adjoining No 17 and then a former coal merchants office, behind which is sited a large store building. At the end of the road a council yard is used by large vehicles. On the opposite side of Queen Street there are the gardens behind the houses at each end of the road, that at No 13 Western Road having been used until recently as a doctor's surgery. Parking in Queen Street is restricted at either end of the road.

7. I saw on my visit that No 15 is part of a residential terrace. Notwithstanding the shop on the ground floor the layout of the premises, in particular the separate entry to the upper floors from Queen Street, seem to me to be well suited to provide a dual occupation of the property. And the present high standard of furnishing and decoration achieved throughout the building does not persuade me that the upper floors could not also be brought back satisfactorily into residential use. I do not therefore support your claim that the building is unsuited for use as a shop with separate residential accommodation on the upper floors. From the representations made and my own observations the issues on which I assess the appeals are the effect of the use of the whole of No 15 as a shop and offices on the character of the area and on the quality of the local environment.

8. My impression of this area is that while there are a number of commercial premises in the neighbourhood nevertheless the residential influence remains predominant. The office use now being carried on is in conjunction with the ground floor shop and the whole property is being used as one entity for your client's business. I regard this usage as excessive in regard to the modest scale and size of the premises and consider it represents over-development of the small terrace property. In my opinion such occupation in the residential terrace block in the mainly residential area adversely affects the character of this locality.

9. In assessing the impact made by the commercial use in environmental terms, I do not think that the office use of the building would in itself cause disturbance to neighbours; and there is no evidence of excessive noise through the party wall on the upper floors. Entry to the premises is through the shop at the front of the building and residential amenities would not be affected by activity on the return frontage to Queen Street. But the quality of the environment may also be affected by pressures in other ways. No off-street parking spaces are provided and while I note your assurances that adequate provision is made in the nearby roads, I have also had regard to the submissions that there is a general parking problem in the area. I do not think that Queen Street can be claimed as providing sufficient parking space as there is evidence that it is already used as an overflow from the nearby residential streets where, as I saw on my visit, the majority of the terrace houses have to rely on parking in the street. And while I also note that the use of the doctor's surgery opposite has ceased, and therefore eased the parking problem, it is not clear from the representations whether that use may not re-start there in the future. With 11 people employed by the business, and bearing in mind that visitors on business may also come by car, I do not consider that an office use on such a scale should be introduced in this location where there is already a shortage of parking space and where, unlike in the commercial area of the town where the council seeks to locate offices, there is no public car park within easy distance. In my opinion the pleasantness of the environment for people living in the locality would be harmed.

10. I have noted your comments about the number of flats currently available in the town and, in the light of Circular 14/85, I do not regard the loss of this particular residential accommodation as an overriding issue without stronger evidence of the penalties likely to result. Nor am I of the view that advice in Circular 22/80 in respect of the encouragement to be given to small businesses inhibits my assessment that your client's business has successfully made its debut and has now outgrown the premises which it initially occupied. In the circumstances my conclusion is that the continued use of No 13 as offices and a shop should not be ratified by a grant of planning permission. The appeals will therefore be dismissed.

11. On ground (g) in the enforcement appeal I do not consider it excessive to require the office use of the premises, for which I do not propose to grant planning permission, to be discontinued.

12. On ground (h) in view of the local employment provided I propose to substantially increase the period for compliance to allow your client more time to find alternative accommodation for his business.

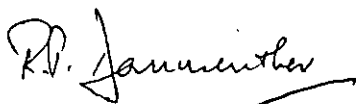
13. I have taken into account all the other matters raised in the written representations, including the letters from interested persons, and am of the opinion they do not outweigh the considerations on which I have based my decision.

FORMAL DECISION

14. For the above reasons and in exercise of the powers transferred to me I hereby dismiss both appeals. In the section 88 appeal I hereby direct that the notice be varied in the operative part by deleting the words "six months" and substituting therefor the words "12 months". Subject to this variation I hereby uphold the notice and refuse to grant planning permission on the application deemed to have been made under section 88B(3) of the amended 1971 Act, and also in the section 36 appeal.

15. This letter is issued as the determination of the appeals before me. Particulars of the rights of appeal against the decision to the High Court are enclosed for those concerned.

I am Sir
Your obedient Servant



R P DANNREUTHER
Inspector

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