

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

Other

Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Messrs. Wm. F. Johnson & Partners,
39A High Street,
HEMEL HEMPSTEAD,
Herts.

..... Change of use of part of first floor to offices

at ... 53/55 High Street, 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 19th October, 1978, and received with sufficient particulars on 23rd October, 1978. and shown on the plan(s) accompanying such application..

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

Policy 6 of the submitted County Structure Plan states that office development will be restricted to existing commitments for office development at 1st January, 1976 and the application premises are not so committed. There is no evidence to suggest that existing office commitments in Hemel Hempstead are not adequate for local needs. Moreover, the development proposed will result in the loss of residential accommodation which is considered capable of continued residential use and is thus in conflict with a further provision of the office policy in the submitted County Structure Plan.

Dated 7th day of December, 19 78....

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.

B/32/10.9



Department of the Environment

Room 1320

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CHIEF EXECUTIVE
OFFICER

27 SEP 1979

 The Ref.
 Refer to
 Cleared

 Messrs Wm F Johnson and Partners
 39A High Street
 HEMEL HEMPSTEAD
 Herts
 HP1 3AA

TECHNICAL SERVICES DEPT.

PLANNING SECTION

27 SEP 1979

Your reference

WFJ/CK/1051

Our reference

T/APP/5252/A/79/03760/G6

Date

26 SEP 1979

Gentlemen

FILE
No.

DATE

 TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPLICATION NO:- 4/1377/78

0049

1. I refer to your 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 from residential to offices of part of the first floor of 53-55 High Street, Hemel Hempstead. I have considered the written representations made by you, the council and interested persons. I inspected the site on Monday 3 September 1979.
2. From my inspection of the appeal premises and surroundings and from the representations made, I am of the opinion that the main issue is whether the proposed office use can be justified as an exception to the council's policies for the land use of the area and for restricting new office development, having regard in particular to its likely effect on the character of the area and the suitability of the premises for residential use.
3. High Street is about 300 m long and is lined almost continuously on both sides by buildings, mainly on 3 floors with ground floor shops. The upper floors are used variously for residential purposes, in connection with the shop beneath or for offices, although a few are vacant. The appeal premises are situated about midway along east side. South of the appeal premises, towards the town centre, only a minority of the upper floors are in residential use but to the north at least a half of the upper floors of buildings are so occupied.
4. Part of the charm of the High Street Conservation Area, particularly from the vicinity of the appeal premises to the north, stems from the mixture of buildings and uses in which the residential appearance and character is apparent. This character reflects the council's development plan in which the area is allocated for residential purposes with a shopping frontage. Although some of the non-residential uses on upper floors maintain an unobtrusive appearance with curtains across the windows, I consider that the effect of a non-residential use is normally noticeable, particularly during the evenings and at weekends, by the absence of activity in the surrounding area and by the appearance of darkened windows. The appeal premises consists of the first floor over a shop and it includes 2 fairly large windows at the front which overlook High Street. These are fairly conspicuous, partly because they are situated across the road from an open space. In my opinion, the proposed office use of the whole of the front part of the first floor, including both the rooms which contain those windows, would be noticeable and would be detrimental to the character of High Street to some extent.

5. The existing first floor accommodation consists of 6 habitable rooms, a storeroom and a small kitchen and bathroom. Although 3 of the rooms face towards the front, I do not consider that noise and activity in High Street is so great as to render them unsuitable for residential use. However, the noise of people and vehicles using St Mary's Road, which passes directly beneath one of these rooms, makes it less suitable for such a use.

6. I accept that the whole of the present accommodation is larger than is likely to be usable for a first floor flat, particularly as it has no outside amenity space which a family would seek if it were so large as to justify that number of rooms. On the other hand, the rear part which is proposed to be kept as a flat has a very restricted outlook, particularly when it is compared with the existing pleasant living room at the front with its view of High Street and beyond. Furthermore, even although a smaller flat would be more usable than the present one, the remaining accommodation might be capable of conversion into an additional flat. However, I have insufficient information to know if this is feasible, particularly with regard to access and the provision of piped services. On the other hand, there is nothing to rule out the possibility of such a conversion.

7. The council, whose policies are designed to restrict the amount of new office development, states that sufficient office space is potentially available to meet local needs such as yours. You do not provide detail to substantiate your view that there is a lack of suitable local office accommodation. Having regard to this, as well as to my opinion about the character of the area and the suitability of the premises for residential use, I have decided that the proposed office use is not justified as an exception to the council's policies.

8. I have taken into account all the other matters in the representations, including the former non-residential use of part of the premises in connection with the shop beneath, but I am of the opinion that they do not outweigh the considerations that led me to my decision.

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

I am Gentlemen
Your obedient Servant

D. J. Tuckett

D J TUCKETT, ARICS MRTPI
Inspector