

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To Messrs J H Moore & Sons (Rickmansworth) Ltd Stimpsons
Crown House 9 Station Road
664 Dunstable Road Watford
Luton Herts
Beds

Change of use of first and second floors to office use;
Alterations and formation of parking area
at 89 High Street, Hemel Hempstead, Herts.

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 7th November 1983 and received with sufficient particulars on 8th November 1983 and shown on the plan(s) accompanying such application.

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

There is insufficient parking accommodation within the curtilage of the site to meet standards adopted by the local planning authority. Furthermore, the use of such space as exists for parking purposes would be unduly detrimental to the amenities of adjacent residents and would intensify the use of an unsatisfactory access to the detriment of the safety and free flow of traffic and pedestrians on the adjacent highway.

Dated 15th day of December 1983.

Signed

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, 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.
- (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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CHIEF EXECUTIVE
OFFICER

4 JUN 1984

File Ref.
Refer to
Cleared

Messrs Stimpsons
Chartered Surveyors
9 Station Road
WATFORD
Hertfordshire
WD1 1DY

Your reference

JWP/TP

Our reference

T/APP/A1910/A/84/011555/P5

Date

31 MAY 84

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY J H MOORE AND SON (RICKMANSWORTH) LIMITED
APPLICATION NO: 4/1449/83

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. The appeal is against the decision of the Dacorum District Council to refuse planning permission for the change of use of first and second floors from showroom, ancillary offices and storage to offices, alterations to building and formation of parking area, at 89 High Street, Hemel Hempstead.
2. From my inspection of the site and surroundings on 24 April 1984, and from my consideration of the written representations made by you, the council and interested persons, I am of the opinion that the decision in this appeal rests primarily on whether the parking arrangements in connection with the proposed office use would be satisfactory.
3. The appeal premises extend in total to some 133 sq m on 2 floors above a ground floor shop that is at present used for selling cycles. They could thus provide 2 modestly sized office suites as your clients propose. These units could each be made self-contained, and separated from the shop, if a new stairway and external door were provided from an alleyway (between the shop and No 91 High Street) over which your clients have a right of way to a yard at the rear which is in their ownership. As well as having a basement the shop has a workshop behind, and there is also an unused, detached storage building on the north-east side of the yard. This yard also provides a means of access to a store building at the rear of the adjacent premises, No 91 via the alleyway. This alleyway also provides a means of access to 2 residential units above the shops at Nos 93 and 95 High Street.
4. Part of your clients' present proposal is to modify the storage building to provide garaging/parking for 2 vehicles in connection with the proposed offices, which could be done without obstructing the access to the store at No 91. Small vehicles would be able to turn in the limited space available if the rest of the yard and the alleyway were kept clear thus allowing vehicles to enter and leave in forward gear. However if additional vehicles were parked in the open part of the yard belonging to your clients they would block the access to the store at the rear of No 91 and/or prevent other vehicles turning.
5. The council do not object in principle to an office use of the appeal premises as it would not involve the loss of residential accommodation, but they consider that it would cause problems in practice. I am inclined to share this view although I consider the arguments for and against are very finely balanced

6. In the first place I do not consider it would be justified to allow an entirely new commercial office use of the size being proposed in this part of Hemel Hempstead without appropriate provisions being made for additional off-street parking as to do so would be contrary to the Council's District Plan, which became operative as the statutory development plan last January, and it could, with other similar proposals that might be made, lead to the public parking available for shoppers, which has recently been increased, again becoming inadequate. The normal parking requirement for the proposed offices would be 4 or 5 spaces, but in addition allowance should also be made to meet the needs of the existing shop. In practical terms the space available, or that which could be made available by modifying the storage building, would barely meet the needs of the shop, including some space for delivery and collection of goods. To use the existing space for parking in connection with the proposed offices as well would be likely to cause congestion in the High Street in view of the narrowness of the vehicular access via the alleyway and the limited space available for turning and/or passing. It might also create a hazard, and/or cause inconvenience to the residents who have a right of way to their dwellings via the alleyway, especially as the door to No 91 fronts directly on to it.

7. It would also be undesirable to have any intensification in the use of the alleyway from the High Street as a result of a new commercial office use as there is inadequate visibility distance to see persons walking along the footway (because the gates abut directly on to it). Any additional commercial use would also detract from the residential amenities of persons living at No 91, where a living room with a window abuts the side of the alleyway. However I accept that there could be increased activity, noise and disturbance as a result of an intensification of the shop use, and it would not in my view have been justified to refuse permission for such reasons alone if there had been no other objections.

8. I have examined all the other matters raised in the written representations, including your reference to changes of use to offices that have been permitted nearby in the past without proper off-street parking provision, but these permissions do not seem to me to be strictly comparable, and while I fully accept the need to preserve the Listed Building subject of the appeal, and the character of the Conservation Area in which it is situated, I do not consider these points, nor any of the other matters raised, outweigh those considerations that have led me to my decision that permission should not be granted in all the circumstances pertaining at present.

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



J M DANIEL DFC FBIM
Inspector