



Planning Inspectorate  
Department of the Environment

Room 404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct Line 0272-218 927

Switchboard 0272-218811

GTN 1374

PLANNING DEPARTMENT  
DACORUM BOROUGH COUNCIL

Colin Eades Partnership  
83 Tilehouse Street  
HITCHIN  
Hertfordshire  
SG5 2DY

Ref.		Ack.				
C.P.C./C.P.A.		D.P.	D.C.	B.C.	Admin.	File

Received

Comments

10 DEC 1990

Your reference

89/17/CE/SU  
Our reference

T/APP/A1910/A/90/155263/P7  
Date E/90/806062/P7

57 DEC 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6 AND PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990, SECTION 20 AND SCHEDULE 3  
APPEALS BY MR GORDON DOOLAN  
APPLICATION NOS: 4/1463/89 AND 4/1464/89

1. As you know I have been appointed by the Secretary of State for the Environment to determine your client's appeals. The appeals are against the decisions of Dacorum Borough Council 1. to refuse planning permission for an office building and 2. to refuse listed building consent for demolition of single storey outbuildings and the erection of new office accommodation within the curtilage of a listed building, both on land at 38 High Street, King's Langley, Hertfordshire. I have considered all the written representations made by you and by the Council and also that made by an interested persons. I have also considered those representations made directly by the Parish Council to the Council and forwarded to me. I inspected the site on Tuesday 30 October 1990.

2. Your client asks that the up-dated versions of the drawings submitted with the application form the basis for my consideration. The up-dating is, in my opinion, minor and I note that there is no objection from the Council. In the circumstances and for the avoidance of doubt I shall consider the application as referring to the scheme shown on the drawings marked with a B.

3. From the representations made and from my inspection of the site I conclude that the main issue in the planning appeal is, in the light of the policies for the area, whether or not the proposals pay sufficient respect to the desirability of enhancing the character and appearance of King's Langley Conservation Area; and in the listed building consent appeal is whether or not the development as proposed would adversely affect the setting, character and appearance of the Grade II listed building of 38 High Street.

4. The proposal is for some 330 sq m of office floorspace in 2 unequal parts. The smaller part is to replace existing single storey storage buildings attached to the rear of No 40 High Street with a single storey plus mezzanine studio under mono- and dual-pitched roofs. The larger portion is to clear 2 rear additions to No 38, together with an outbuilding and other structures and to erect a free-standing office block of one, 2 and 3 storeys under pitched roofs.

5. King's Langley High Street lies on the east facing slope of the valley of the south flowing River Gade/Grand Union Canal. The appeals site is a generally L-shaped parcel with a depth of about 45 m rising some 2 m from its 16 m or so frontage to the west side of the High Street. The north wing of the L contains



No 38 comprising a long, 2-storey brick faced 18th Century front range 3-window bays wide, under a steeply pitched roof with at the front a 19th Century single storey shallow projecting shop front on the back-of-pavement and at the rear one and 2-storey additions. At the southern side is a 3 m or so wide vehicle access. The northern wing of the L is garden land. The premises are in use as a florists/garden shop with the rest of the site used for storage and display purposes.

6. The appeal site is adjoined to the north by the building and curtilage of No 36 High Street; to the west by a public car park reached from Langley Hill; to the south partly by the Grade II listed No 40 High Street, partly by the curtilage of No 42 and partly by the curtilage of Langley House fronting the High Street and to the east, on the far side of the High Street by 2-storey shops and offices. Nearby development is predominantly 2-storey shopping frontage with residential and office accommodation over but includes offices in the large former house of Blue Court on the corner of Church Lane, large post office premises on the corner of Langley Hill and a large telephone exchange on the lower slopes east of the High Street.

7. In the Structure Plan Policy 26 seeks favourable consideration for small firms' accommodation; Policy 48 seeks the conservation of the built and other environments and Policy 50 seeks development in King's Langley compatible with the maintenance of green belt boundaries. Policy 53 of the Dacorum District Plan, adopted in 1984, states that planning permission for new offices will normally only be granted within the commercial areas of Hemel Hempstead, Berkhamstead and Tring. In addition Policy 54 sets out the criteria, including exceptional local interest, to be met by firms seeking office floorspace.

8. The Dacorum Borough Local Plan is shortly to be considered by the Council prior to being put on deposit late in 1990 or early 1991. In the plan Policy 34 identifies King's Langley as a local centre where development of a broad range of uses, including business use up to a defined overall amount in the locality, is to be encouraged and Policy 35 seeks development in scale with the size, function and historic and/or architectural character of the centre.

9. The objection to the proposals is not strategic but is confined to the local policies of the adopted District Plan and the Council point out that King's Langley is not one of the 3 towns where development may occur. In support of the application your client highlights the brisk demand that there is for office floorspace in the town.

10. I do not dispute the level of such demand but, to my mind, it is not evidence of any local need. It follows that in the absence of the particular local need called for in the development plan the requirements of that plan are not met and the proposals are contrary to the policy. The adopted development plan is however not of recent adoption and the Council recognise that the policies are becoming outdated. Indeed the intention is that when the emerging Borough Local Plan is on deposit its policies will be followed for purposes including development control.

11. There is a recent history of office permissions in the village including those at Blue Court and to High Street. In this light and taking into account the policy changes in prospect in respect of development in large villages, this seems to me a case where an exception to the strict application of the approved development plan policies is acceptable. Accordingly I see no land use objection to the proposal.

12. With regard to the planning application the strongly linear centre of King's Langley is attractive with close-packed low buildings on the back-of-pavement hugging the contours. The smaller proportion of the proposals affects the rear of

No 40 High Street which, in common with No 38 and the other older buildings on this side of the High Street, has a low profile enhanced by its location within the contours. The proposed small block occupies the same footprint as that which it replaces and with a height lower than that of the rear of No 40. Altogether it seems to me that the proposed bulk and configuration would preserve and enhance the character and appearance of this part of the conservation area.

13. In some measure the large proportion of the appeal proposal repeats the footprint of the existing development in that it occupies land that is for the most part built over, albeit that some of the structure is little more than a pergola. However the proposed block has, in general, an appreciably higher profile than the existing structures, especially where it reaches 3 stories in height.

14. While the full effect of the 3-storey height is mitigated by the use of dormer windows with a resulting lowered ridge height, to place a 3-storey structure as proposed within 11 m of the High Street building would clearly be damaging to the setting of that building. To my mind an office block of the size, height, bulk and configuration proposed would be unreasonably overbearing and dominant. When viewed from the High Street and from surrounding lands on this side of the High Street it would subsume the older buildings to the great loss of the environmental qualities of the High Street. The effect would be seriously detrimental to the character and appearance of the conservation area and for this reason should not be allowed.

15. In respect of the listed building consent application No 38 High Street is an attractive small building with a small domestic architectural style. The smaller portion of the appeal proposal is limited in size and I accept that the use of slates on the mono-pitch would overcome the Council's well founded objection to tiling as initially proposed. There would, it seems to me, be no adverse effect from this part of the proposal.

16. The same can also be said, in my opinion, about the impact of the proposed dormer windows on the larger portion of the proposal. Nevertheless if the conclusion in paragraph 11 that the 3-storey height and bulk is dominant is right, then it seems to me that the proposals would adversely affect the setting of No 38 and consent should be denied.

17. The proposed car park area in the western wing of the site is tucked around the corner and visually separate from the rear face of No 38. In the circumstances it is my opinion, too remote from the listed building to have the adverse effects feared by the Council.

18. Among the other matters raised in the representations is the refusal of an application subsequent to the appeal application for development similar to the appeal proposal. The inclusion, at the suggestion of the Department of Transport, in the notice of refusal of an access reason has, in my opinion, no relevance to the present appeal.

19. The Parish Council draw attention to the potential hazards of additional use of the access to the site. There is however no objection from the County Council as Highway Authority. At my site visit I noted that although restricted in width, the access gives onto a straight and level stretch of highway sufficiently wide to permit restricted waiting on each side and with an ample footway on the appeal site side; that visibility in both directions, once clear of the line of the buildings, is good in both directions and that traffic speeds, restricted to 30 mph are further reduced by the environmental conditions.


20. The High Street is old established and lined by mainly older development and the appeal access is similar to many giving onto the highway. In these circumstances a certain amount of pedestrian/vehicular conflict is not, in my opinion, unexpected. I consider that with the limited development possible on the appeal site the access is not so sub-standard or so out of character with King's Langley and the High Street that there should be any unacceptable traffic hazards generated by the proposal.

21. The car parking provision meets, it seems, the Council's standards and no objections are raised on this score. If this is right then I find no cogency in the Parish Council's argument that the proposals are inadequate in this respect.

22. Your client is willing to further reduce the height of the 3-storey block to a level apparently agree with the Council. While such a reduction might well overcome the objections there are to the proposal as set out in paragraphs 11,12 and 14 above, such a proposal is not before me. I acknowledge the fears expressed of a neighbour that the proposals would invade the privacy of adjoining dwellings and have taken account of all the other matters raised, but they are not sufficient to outweigh the considerations that have led me to my conclusion.

23. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss both of these appeals.

I am Gentlemen  
Your obedient Servant

  
WILLIAM A GREENOFF DiplArch RIBA  
Inspector

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



## DACORUM BOROUGH COUNCIL

DD

To Mr Gordon Doolan  
38 High Street  
Kings Langley  
Herts

Colin Eades Partnership  
83 Tilehouse Street  
Hitchin  
Herts

.Demolition.of.Outbuilding.and.Erection.of.Single.Storey...  
Two Storey and Three Storey Office Building and Car  
Parking .....  
at...38.High.Street,.Kings.Langley,.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 ..29.8.89..... and received with sufficient particulars on .....31.8.89..... and shown on the plan(s) accompanying such application.

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

Policy 53 of the adopted District Plan seeks to restrict new office developments to the commercial areas of Hemel Hempstead, Berkhamsted and Tring. The proposal does not accord with this policy. Although in some instances small scale office development may be acceptable when allied to a local need in other centres, no such need has been identified and the scale of the proposal is considered excessive in the light of this policy.

Dated .....Nineteenth..... day of .....October..... 19 89

Signed.....

SEE NOTES OVERLEAF

P/D.15

Chief Planning Officer

## NOTE

1. 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 s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form 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.
2. 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 Borough 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.
3. 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 s.169 of the Town and Country Planning Act 1971.



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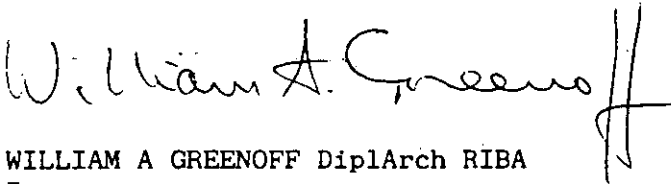
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