

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972Other
Ref. No.

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

To **M.B.M. Construction Ltd.,**
 'Kenneigh',
 Felden,
 Hemel Hempstead,
 Herts.

Messrs. John H. James & Co.,
Chells Manor,
Stevenage,
Herts..

Submission of matters reserved. Block containing one
2-bedroom house and two 1-bedroom houses with garages.
Details of siting, layout, design, external appearance
and means of access
at Land adj. 52 Fairway, 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 give approval to the details which were reserved for subsequent approval in outline planning permission no. ... **4/0574/82** granted on **28th July 1982** at the above-mentioned location in accordance with the following drawings submitted by you:

Plan No. JT/103/1

Subject to compliance with the following conditions:--

The existing fence along the south east boundary of the site shall be retained or replaced where necessary and maintained at all times to the reasonable satisfaction of the local planning authority.

See overleaf

The reasons for the foregoing conditions are as follows:—

To ensure the proper development of the site.

Dated 7th day of February 1983

Signed.....

Designation CHIEF PLANNING OFFICER.

This is not a separate planning permission but must be read in conjunction with any conditions attached to the outline planning permission.

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 approve the details of the proposed development subject to conditions, he may by notice served within one month of receipt of this notice, appeal to the Secretary of State for the Environment in accordance with Section 36 of the Town and Country Planning Act, 1971. The Secretary of State has power to allow a longer period for the giving of a Notice of Appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local planning authority in regard to the proposed development are in progress.



**Department of the Environment and
Department of Transport**

Common Services

Room 1319 Tollgate House Houlton Street Bristol BS2 9 DJ

Telex 449321

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL			
Ref.	Ack.		
C.P.O.	D.P.	D.C.	Admin
2 AUG 1983			
Direct line 0272-218875			
Switchboard 0272-218841			
CONTINUANT			
Your reference			

RETURN TO MB
FOR COMMITTEE REPORT

R Witt Esq
3 Willow Lane
AMERSHAM
Bucks

Our reference

T/APP/5252/A/83/002764/PE1

Date

- 1 AUG 1983

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:- 4/1498/82

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 change of use of ground floor into 2 flats at 9 Kings Road, Berkhamstead.
2. From my inspection of the site and surroundings on 4 July 1983, 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 creation of 2 flats on the ground-floor, in addition to the 2 flats on the first and second floors, would be an unsatisfactory form of development because of the lack of sufficient private amenity space and off-street parking facilities for the occupiers.
3. The appeal premises are a fairly large 3-storey, semi-detached house on the corner of Kings Road and Charles Street near the centre of Berkhamstead. It does not have vehicular access to either road as it is at a much higher level. Kings Road is part of the A416 Road to Chesham, but on-street parking is permitted on the north-west side outside the appeal site except at the junction with Charles Street, as well as on both sides of Charles Street, except near the junction with Kings Street. It is also possible to obtain pedestrian access to the appeal site from Elm Grove, which is a cul-de-sac, without any parking restrictions near the southern end, running off High Street just to the north-west of Kings Road.
4. The use of the appeal premises as 3 flats (one on each floor) has apparently become established over many years, although the normal provisions for off-street parking are not met. Similarly the amount of private amenity space is very modest, even for 3 flats, though except where a patio is being made near the south-east side of the house the garden appears to be little used and is uncultivated.
5. Circular 22/80 advises, inter alia, that the size of accommodation units and their gardens are matters that should generally be left to developers and their customers, and I would not consider it justified to refuse permission for your proposal on such grounds. However the lack of off-street parking is unfortunate as the streets are fairly congested in the day time. It is of course not unusual for older houses within town centres to lack parking space, and the council's policy not to allow the creation of new accommodation units without such provision must generally be supported if the free-flow of through traffic is not to be interfered with, and local residents further inconvenienced, by added congestion from parked vehicles. I have noted your arguments about not all persons having a car, and your willingness to limit occupation of the 2 flats to elderly persons. However, as the

council have pointed out, it would not really be feasible to restrict the occupation of 2 of the 4 flats in this way - indeed elderly persons might find the steep steps up to them inconvenient. Moreover there is no guarantee that such persons renting or buying a private flat would not have a car, or be visited frequently by relatives who would come by car and would have to park in the street even if they did not.

6. However in view of the fact that on-street parking is not prohibited in the vicinity of the appeal site, except at the road junction and on the south-east side of Kings Road, and because, in my opinion, it is debatable whether the residents of 2 small flats as proposed would have and/or generate more vehicles than a family occupying (or persons sharing) a larger flat, I am of the opinion that the lack of off-street parking, in this specific instance is not a sufficient reason in itself to justify refusing permission for the additional small flat in the absence of any other planning objection. I have had particular regard for the advice in Circular 22/80 that the best use should be made of property - especially to provide small units - within the built-up areas to help meet housing needs.

7. I have examined all the other matters raised in the written representations, including the council's reference to a precedent that might be considered to be created by allowing this appeal. However I consider it justified to override their criteria only in this particular case, and other proposals would also have to be judged on their merits in the overall circumstances prevailing. There is nothing else of sufficient substance to outweigh the considerations that have led me to my decision.

8. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for change of use of ground floor into 2 flats at 9 Kings Road, Berkhamstead in accordance with the terms of the application (No. 4/1498/82) dated 20 December 1982 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 5 years from the date of this letter.

9. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971.

I am Sir
Your obedient Servant



J M DANIEL DFC FBIM
Inspector