

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



## DACORUM BOROUGH COUNCIL

To Mr D Patel  
Gamages 18 High Street  
Hemel Hempstead  
Herts

Johnson & Partners  
39a High Street  
Hemel Hempstead  
Herts

Change of use of first floor flat and part  
ground floor shop to offices  
at 18 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 8.9.1989 and received with sufficient particulars on 12.9.1989 and shown on the plan(s) accompanying such application.

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

1. The proposed development would result in the loss of a satisfactory unit of residential accommodation contrary to the provisions of Policies 56 and 61 of the adopted Dacorum District Plan.
2. There is inadequate provision for vehicle parking within the site to meet standards adopted by the local planning authority.
3. The proposal as submitted does not provide for a safe and satisfactory means of access within the control of the applicant for private and service vehicles from a made up public highway.

Dated 19th day of October 1989

Signed *Wm Barnard*

#### 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.



# Planning Inspectorate

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PLANNING DEPARTMENT  
DACORUM BOROUGH COUNCIL

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Ref.						Ack	
C.P.O.	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File	
Received						22 OCT 1990	
Comments							

Your reference

1843

Our reference

T/APP/A1910/A/90/155250/P8

Date

19 OCT 90

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6

APPEAL BY MR D PATEL

APPLICATION NO: 4/1512/89

1. I have been appointed by the Secretary of State for the Environment to determine your client's appeal. This appeal is against the decision of the Dacorum District Council to refuse planning permission for the change of use of a first floor flat and a part of a ground floor shop to office accommodation, 18, High Street, Hemel Hempstead, Hertfordshire. I have considered the representations made by you and by the Council. I inspected the site on 20 September 1990.

2. From my inspection of the site and its surroundings, and my consideration of the representations, I have come to the conclusion that the decision in this case turns upon first, whether the proposed conversion would result in the loss of a satisfactory unit of accommodation, thus exacerbating the pressure for residential development within the District in contravention of the policies contained in the Dacorum District Plan, and second, whether the lack of an adequate number of parking spaces together with the unsatisfactory nature of the access to the rear yard, would result in a traffic hazard in the locality.

3. On the first issue, I noted that the flat comprises a living room which fronts onto the highway, an internally lit bedroom, a bathroom, a kitchen, and a main bedroom approached through the kitchen. In my opinion, this accommodation is not satisfactory, as one bedroom is unsuited to use as it does not possess satisfactory ventilation and daylight, and the other bedroom may only be entered through the kitchen. Further, the main living room is affected by traffic noise, and I consider that additional noise is likely to be transmitted from the adjoining first floor restaurant. Finally, there is no external amenity space available to the dwelling.

4. Although the existing accommodation is unsatisfactory, I consider that it would be possible to renovate this accommodation so that it would form a satisfactory one bedroom flat, with direct access to the staircase from both the living room and the bedroom. I further consider that the problem of noise transmission from the road, and from the adjoining premises, may be overcome by the provision of insulation. The renovated dwelling would not have any external amenity space. However, it would not be a family unit, because it would have only one bedroom. Hence, the lack of amenity space would not render it unfitted to residential use. I have therefore concluded that the existing flat, although

currently unsatisfactory, may be converted into a satisfactory dwelling without undue difficulty.

5. The Dacorum District Plan seeks to restrain new residential development within the District. Further, there is a high level of demand for residential accommodation within Dacorum. Hence, Policies 56 and 61 of the Plan prohibit the conversion of existing dwellings, even where, as in this instance, they are set in an area where an office use is otherwise acceptable. In my opinion, it is important that the rural areas of Hertfordshire are protected against pressure for additional development, as the County's rural character would not survive substantial additional development. If existing dwellings were to be lost, the demand for replacements in rural areas would be difficult to resist. I therefore regard it as being of importance that Policies 56 and 61 of the Local Plan are upheld. As the proposed conversion would result in the loss of a potentially satisfactory dwelling, it would place additional pressure upon the rural areas in contravention of the Council's Policies. I have therefore concluded that it would be inappropriate to permit the conversion of this dwelling into an office.

6. On the second issue, the Chief Planning Officer indicated to the Council that three parking spaces are required for the proposed offices. Your client is only able to provide two parking spaces. To my mind, a shortfall of one parking space would not be particularly significant in a town centre where, as I observed, there are a number of off street car parks available within a short distance of the appeal site.

7. I consider that the intensity of activity likely to arise within the proposed offices would generate more trips to the site than does a dwelling. In particular, clients visiting the office, and persons delivering goods and equipment, would tend to drive into the rear yard, as this would be more convenient than either parking on the highway, or walking from the nearest car park. The access to the yard comprises an narrow archway through the building, the front face of which abuts the pavement. It does not possess adequate sight lines, and is set at a road junction. To my mind, any intensification of its use would pose an additional hazard both to traffic and pedestrians. As the office use would be likely to intensify the use of this access, I regard it as being unacceptable.

8. The appeal building is a Grade II listed building set within a Conservation Area. I consider that the proposed change of use would not result in harm being inflicted to the character and fabric of the building. Further, it would not alter the character or appearance of the Conservation Area. Hence it would preserve its character and appearance. However, although the proposal would not contravene those local and national policies relating to listed buildings and conservation areas, this does not set aside the cogent objections to this change of use.

9. I have considered all other matters raised, including the form of, and access to, adjoining dwellings; and the other uses that have recently been approved in the yard, and I find that none of these is of such import as to override the conclusion on the major issue that has led to my decision.

10. For the reasons given above, and in exercise of the powers transferred to me,  
I hereby dismiss this appeal.

I am Gentlemen  
Your obedient Servant,

Geoffrey S. S. Lane

GEOFFREY S S LANE, DiplArch DiplTP RIBA MRTPI  
Inspector