



DACORUM BOROUGH COUNCIL

To P Goodman Ltd
Woodside Place
Mount Pleasant
Harrow
Middlesex

Geoffrey Hawkins Associates
23a Crendon Street
High Wycombe
Bucks

Change of first and second floors from residential/
store to offices and alterations
at 26 High Street, Tring

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 25 September 1987 and received with sufficient particulars on 29 September 1987 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. The proposal as submitted does not provide for a satisfactory means of access, within the control of the applicant, to the car parking spaces as proposed giving rise to conditions prejudicial to highway safety.

Dated 12 day of November 1987.

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.



Department of the Environment Department of Transport

Common Services

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line

Switchboard 0272-218927

0272-218811

27 MAY 1988

Geoffrey Hawkins Associates

Chartered Architect

23a Crendon Street

HIGH WYCOMBE

Buckinghamshire

HP13 6LJ

CHIEF EXECUTIVE
OFFICER

27 MAY 1988

File Ref.

Refer to

Cleared

Your reference

1618/SHE/ew

Our reference

T/APP/A1910/A/88/83630/P2

Date

25 MAY 88

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9

APPEAL BY PHILIP GOODMAN LTD

APPLICATION NO: 4/1515/87

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for the change of use of the first and second floors from domestic/storage to offices at 26 High Street, Tring, Hertfordshire. I have considered the written representations made by you and by the council and Town Council. I inspected the site on 21 April 1988.

2. From my inspection of the site and surroundings and the representations made I consider that the main issue is whether or not the proposal constitutes a justified loss of residential accommodation.

3. Policies 56 and 61 of the adopted Local Plan state that changes of use involving the loss of residential accommodation will not normally be acceptable. There can be no argument in general with these policies but clearly the circumstances of each particular case must be considered. In my view there are 3 matters of relevance to this appeal. Firstly the location of the site, secondly the fact of the building being listed of historical and architectural importance and lastly the arrangement of the accommodation. The appeal building is on a corner at the main crossroads in the town. It is obvious that traffic noise throughout the day and into the evening would be high which would be exacerbated by the crossroad element with vehicles stopping, starting and changing speed. The amenity space against one of the streets would be affected by the noise and its use for car parking for the residential unit would reduce its value as amenity space. Although the space available in the unit would equate with family occupation I do not consider the location would be appropriate.

4. It is well known that the best use for a listed building is that for which it was intended. In this case the upper floors were probably the living accommodation for the shopkeeper. However, it is also accepted that the maintenance of a listed building can be more expensive than a modern building and frequently an appropriate alternative use can provide the funds necessary to keep the building in good repair. Without apparently changing the character of the building and because the rooms have been unoccupied for some years it seems to me that an office use may provide funds which up to now have not been available. Lastly, the layout of the rooms and particularly the access to them is well below the standard acceptable for modern residential accommodation. Both staircases are tortuous and the one to the attic rooms would be positively dangerous for frequent use in domestic occupation. It is therefore quite



clear that upgrading of the insulation of the single skin walls, the inclusion of double glazing to reduce the traffic noise and better staircase provision would have to be put in hand for residential use which itself may not bring in the financial return to justify the improvements. In all the circumstances I take the view that the first and second floors of the building do not represent the basis for satisfactory residential accommodation, with or without the presence of the Medieval Lady ghost, which is not entirely a planning consideration and consequently the abnormal factors of the case can be set against the policies in the Local Plan.

5. I have also considered the proposed parking and access. I note the Town Council believe that 2 spaces would be sufficient and create less traffic hazard. Certainly there are several free car parks nearby and I used one only a few minutes walk away for the site inspection. The existing chemist shop does not seem to need a car space as one is not provided at present. At my inspection I noted that the wall to the open area on the back of footway line projected in front of the boundary wall to the adjacent property to the south. From approximate measurements it seemed that very nearly the visibility splays suggested by the Highways Department could be achieved. As a result I do not consider that the form of access to the proposed parking is of such significance as to warrant dismissal of the appeal.

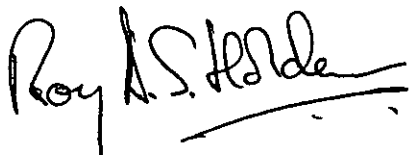
6. I have taken account of all the other matters raised in the representations, including your acceptance of the need to obtain listed building consent before the change of use can be implemented, but neither this, nor all the other matters raised outweigh in my view the considerations that have led to my decision.

7. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant planning permission for the change of use of the first and second floors from domestic/storage to offices at 26 High Street, Tring, Hertfordshire in accordance with the terms of the application (No 4/1515/87) dated 25 September 1987 and the plans submitted therewith, subject to the condition that the development hereby permitted shall be begun not later than 5 years from date of this letter.

8. The developer's attention is drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

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. Your attention is drawn to the provision of Section 277A the Town and Country Planning Act 1971 (inserted into the Act by the Town and Country Amenities Act 1974) as amended by paragraph 26(2) of Schedule 15 of the Local Government Planning and Land Act 1980 which requires consent to be obtained prior to the demolition of any building in a conservation area.

I am Gentlemen
Your obedient Servant



ROY A S HOLDEN DipArch RIBA
Inspector

ENC