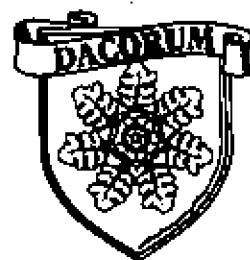


TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To

Martin Elverson
87 High Street
Hemel Hempstead
Herts

Mr J G Lewis
117 Chambersbury Lane
Hemel Hempstead
Herts

..... Installation of Dutch Blind

at 87 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 6.8.88 and received with sufficient particulars on 10.8.88 and shown on the plan(s) accompanying such application.

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

The proposal would have a seriously detrimental effect on the character of the property itself and the overall street picture in a designated Conservation Area.

Dated ... TENTH day of OCTOBER 19 88

Signed.....

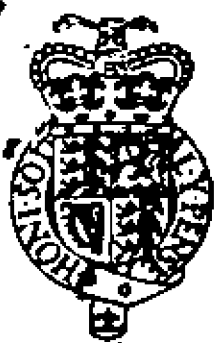
SEE NOTES OVERLEAF

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.



Planning Inspectorate

Department of the Environment

Room 1404 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

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D/1052/KSM/P

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GTN 1374

PLANNING DEPARTMENT

DACORUM BOROUGH COUNCIL

Your reference

Mr J Lewis
117 Chambersbury Lane
HEMEL HEMPSTEAD
Herts
HP3 8BE

124/88
Our reference

T/APP/A1910/A/89/114654/P8

Date

Received

22 MAR 1990

21 MAR 90

Comments

Sir

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

APPEAL BY MR M ELVERSON

APPLICATION NO:- 4/1516/88

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 installation of a dutch blind at 87 High Street, Hemel Hempstead. I have considered the written representations made by you and by the Council. I inspected the site on 7 February 1990.
2. Because the blind has already been installed, I have treated this appeal as pertaining to the retention of the blind. No 87 High Street is a listed building situated in a Conservation Area. The 1971 Town and Country Planning Act (as amended) requires that where proposed development would affect a listed building or its setting special regard must be paid to the desirability of preserving the building or its setting; similarly, special attention must be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Against this background, from my inspection of the site and its surroundings and from the representations made I consider that this appeal turns on whether or not the development preserves the character of the listed building and whether it preserves or enhances the character or appearance of the Conservation Area.
3. No 87 forms part of an attractive group of old buildings; the front elevation comprises a rendered upper storey with 2 sash windows and a ground floor shop-front with pleasing proportions and intricate architectural details. However, the blind serves to cover the top portion of the shop window so that much of the ornate framework, as well as the overall proportions of the shop-front, are obscured from view. The blind itself is constructed in a shiny plastic material and in my opinion has none of the elegance of the original shop-front. Consequently I have concluded that it serves to harm the character and appearance of the listed building, and also the Conservation Area, rather than serving to preserve or enhance them. In these circumstances it is clear to me that this development conflicts unacceptably with the aim of the relevant planning legislation, as well as with the policies of the Hertfordshire Structure Plan and the Council's local plan regarding the preservation of listed buildings and the preservation and enhancement of Conservation Areas.
4. On my site inspection I saw that there were some other examples of canopies in the High Street, as you have claimed, but I do not accept that their presence justifies the seriously detrimental effect of the blind at No 87; indeed, it appears

that the Council are currently investigating the circumstances of these other cases. I have taken into account all other matters raised but these do not outweigh the considerations which have led me to my conclusion.

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

I am Sir
Your obedient Servant

TERENCE N POVEY

TERENCE N POVEY BA BArch MA FRTPI RIBA MBIM
Inspector