

TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/1531/93

MR A M Miah  
110 High Street  
Northwood  
Middlesex

Mr K Balneaves  
Scan Design Lines Ltd  
35 Green Lane  
Northwood  
Middx

DEVELOPMENT ADDRESS AND DESCRIPTION  
=====

2 Risedale Road, Hemel Hempstead, Herts

CHANGE OF USE SHOP TO SHOP SELLING HOT FOOD (A3)

Your application for *full planning permission* dated 12.11.1993 and received on 15.11.1993 has been *REFUSED*, for the reasons set out on the attached sheet(s).

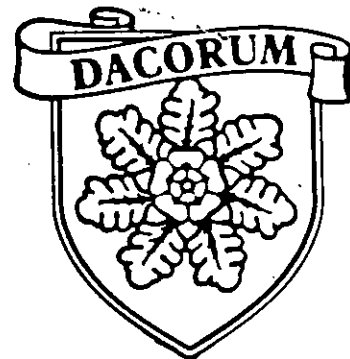
Director of Planning

Date of Decision: 23.12.1993

(ENC Reasons and Notes)

REASONS FOR REFUSAL  
OF APPLICATION: 4/1531/93

Date of Decision: 23.12.1993



1. The proposed use would have a seriously detrimental effect on the amenities presently enjoyed by occupants of surrounding residential properties.
2. The proposed use is likely to generate further parking difficulties which would be a potential hazard on adjacent highways which presently suffer from severe on-street parking problems.



# The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
Ref.				Ack.		
Do	PL	C.P.M.	D.P.	D.C.	SG	Ref
Received				11 APR 1994		
Comments				Date: - 8 APR 1994		

APP/A1910/A/94/233066/P5

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6  
APPEAL BY MR A M MIAH  
APPLICATION NO: 4/1531/93

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the Dacorum Borough Council to refuse planning permission for the change of use of a shop (A1) to hot food take-away (A3) at 2 Risedale Road, Hemel Hempstead. I have considered the written representations made by you and by the Council and those made by interested persons. I have also considered those representations made directly to the Council which have been forwarded to me. I inspected the site on 14 March 1994.

2. The appeal premises lies to the south west side of Risedale Road and comprises one of a pair of 2 storey shops with residential accommodation above. It is currently vacant, while the neighbouring unit is used as a veterinary surgery. The north west boundary of the site forms the rear fence line of 2 bungalows and the neighbouring public house.

3. From the written representations and my inspection of the site and its surroundings I consider that the main issues in this appeal are the effect of the proposal on neighbours' living conditions in terms of noise and disturbance and its consequences for highway conditions in Risedale Road.

4. Relevant policies in the Dacorum District Plan, adopted in 1984, require all development to provide car parking in accordance with adopted standards, and, amongst other things, non residential development in residential areas to be acceptable in terms of privacy and amenity. Policies in the Dacorum Borough Local Plan, now awaiting a further inquiry into proposed modifications, set down various criteria for the assessment of development proposals. These include the avoidance of harm to the surrounding neighbourhood and



adjoining properties through loss of privacy, noise, disturbance or pollution, and require that the traffic generated can be accommodated on surrounding roads without detriment to amenity, safety or traffic flow.

5. Hot food takeaway shops are included in Class A3 to enable control to be exercised over changes of use from A1 shops which, because of their environmental consequences and relationship to other uses, may have a material impact on local amenity. Such uses are likely to give rise to noise and disturbance and consideration of these impacts will be especially important where there are flats above the shops or other properties sufficiently close for their amenity to be affected. Risedale Road forms part of a substantial and well established residential neighbourhood and, other than these 2 former shop units and the nearby public house in St Albans Hill, there appears to be no other commercial uses in the vicinity. Residential properties lie in close proximity to the premises both to the south east and opposite and, having seen this relationship, I consider that the Council's desire to protect the amenities of their occupants is fully justified.

6. The proposed use would be likely to generate most of its custom during the evening and I understand that once the veterinary surgery closes at 20.00 hours, the area generally has a quiet and tranquil character. The impact of the use by way of comings and goings of customers on foot and by car, and general disturbance, would increase as the evening progresses. I appreciate that your client has experience in the business from other establishments and would seek to minimise nuisance to the neighbouring residents, but given the proximity of these properties, including the flats over the shops, I conclude that the proposal would seriously harm neighbours' living conditions in terms of noise and disturbance, particularly at unsocial hours.

7. On the second issue I note that you propose to provide 6 parking spaces, 4 at the rear of the site accessed from a narrow unsurfaced track to serve the occupants of the flat and staff, and 2 spaces, as now, on the forecourt. In total this provision would meet the Council's parking standards. However, I saw that the area suffers from a heavy demand for on street parking and I am told that the problems are particularly severe during the evenings. Hot food shops share with some convenience shops a tendency to give rise to short term on street parking, but, in my experience, hot food shops do this in greater volumes and later into the evenings. I consider it likely that, at times, the forecourt spaces would prove inadequate for customers and this would lead to extra pressure for street parking. Given the location of the premises almost opposite a local road junction, and in a road subject to a heavy parking demand, I conclude that some additional hazards could arise which would exacerbate existing highway difficulties to the detriment of the safe and free flow of traffic in Risedale Road.

8. I therefore consider that the scheme would run counter to the objectives of the Council's existing and emerging policies. While your client would be prepared to accept a closure of the premises at 23.00 hours, and would undertake to provide or sponsor litter bins in the area, these factors would not, in my opinion, overcome the amenity and highway objections to the proposed change of use arising from the locational characteristics of the premises.

9. I have taken into account all other matters raised, including your client's willingness to forego the off licence and to install suitable fume extraction equipment to minimise nuisance from smells, but neither these matters nor any other matters are of such importance as to override my conclusion that the proposal is unacceptable.

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

Yours faithfully



D W HOWARD BA(Hons) DipTP MRTPI  
Inspector

*Please note that with effect from 18 April 1994  
the Planning Inspectorate's telephone number  
will be changed to:*

**Switchboard:** 0272 878000  
**Direct Lines:** Replace the current "21" with "87"