

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr and Mrs S O'Neill
328 High Street
Berkhamsted
Herts

Richard Ronald
111 High Street
Hemel Hempstead
Herts

Two storey office building, car park, etc (Outline)
at 1 Park View Road, Berkhamsted

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 19 October 1987 and received with sufficient particulars on 29 October 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 site is not within the Commercial Area of Berkhamsted as shown on the District Plan Proposals Map and the proposed use of the premises for offices would be contrary to Policy 53 of the District Plan.
2. The use of the premises as offices would be likely to have an adverse effect on the primarily residential character of Park View Road.

Dated 22 day of 1 December 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.



Planning Inspectorate

Department of the Environment

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CHIEF EXECUTIVE
OFFICER

27 SEP 1988

File ref. *2602719*
Refer to
Cleared

Mr and Mrs D S O'Neill
328 High Street
BERKHAMSTED
Herts
HP4 1HT.

Your reference:

Our reference:

T/APP/A1910/A/88/090004/P5

Date:

23 SEP 88

27 SEP 1988

Comments

Sir and Madam

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO:-4/1666/87

1. As you know I have been appointed by the Secretary of State for the Environment to determine your appeal. This is against the decision of the Dacorum Borough Council to refuse outline planning permission for the erection of a two storey office building with car parking at 1, Park View Road, Berkhamsted. I have considered the written representations made by you and by the Council, and also those made by the Thames Water Authority, Berkhamsted Town Council, and other interested parties. I inspected the site on 11 July 1988.

2. The appeal site is on the west side of Park View Road south of its junction with High Street on the western fringe of Berkhamsted Town Centre. It consists of a single storey former residence in the centre of the site with a further single storey building previously used as a church hall in the south west corner of the site. Both buildings have a white rendered finish with gable-ended pitched roofs and the entire complex is currently used as a nursery school. To its north is a church building which has been converted into offices while there are further purpose built offices of recent construction to the north of the former church and fronting both sides of the junction of Park View Road and High Street. Opposite the appeal site are district offices of Hertfordshire County Council housed in temporary single storey buildings. Park View Road to the south of the appeal site is entirely residential in character being dominated by substantial two-storey, semi-detached housing on its west side. To the west of the site is the rear garden of a bungalow fronting Boxwell Road which has a single storey office building to its north.

3. From my inspection of the site and its surroundings and the written representations I consider that the main issue in this appeal is the effect of the development, through noise, disturbance, and overlooking, on the residential amenities of occupiers of nearby dwellings, having regard to the present use of the site and the provisions of the Dacorum District Plan.

4. I gained the strong impression from my inspection of the site that, despite the exclusion of Park View Road from the commercial area of Berkhamsted in the adopted local plan, office and other non-residential uses dominate the street to the north of no 3, while from no 3 southwards housing is the sole land use. Bearing in mind the disposition of other commercial uses in the area with offices to the north, north west, and east of the appeal site in my opinion there is no

reason in principle why the present non-residential use on the site should not be replaced by another if its effect on occupiers of adjoining housing is no greater. However I consider that there should be no further encroachment of commercial uses into Park View Road south of the appeal site having regard to its solidly residential character.

5. Nursery school premises can give rise to problems of noise generated by children especially when they play in the open air in fine weather. A further potential source of annoyance for residents from the present use of the site is parents' cars calling to take children to and from the school. This activity is to my mind unfortunate in a road where there is pressure on kerbside parking owing to its proximity to the town centre.

6. On the other hand disturbance from most office uses tends to be confined to entering and leaving the premises in the morning and early evening with some additional movement in the middle of the day. By using the existing vehicular access between the proposed block and the former church much of the activity from cars manoeuvring on site would be baffled from adjoining housing. A two-storey office block is more likely to give rise to problems of overlooking adjacent dwellings from first floor rear windows than the present single storey buildings on the site. This problem would be most acute in relation to the bungalow at 1B, Boxwell Road but its rear garden is already well landscaped. Further planting on the western boundary of the site, marked by a substantial brick wall and timber fence, would help to screen this dwelling further and, in my opinion, reduce loss of privacy to its occupiers to acceptable levels. Moreover it may also help deaden noise and disturbance from the rear parking area in addition to softening the visual impact of a two-storey structure on single storey buildings to the west.

7. The proposed offices would meet the Council's current parking standards and are therefore unlikely to exacerbate the difficulties that residents encounter with regard to on-street car parking. In addition a two-storey building on this site would to my mind be more in keeping with its bulkier neighbours to the north and south than the present single storey structures. The impact of the offices on residents compared with the present nursery use is finely balanced but I am convinced that the potential improvement in noise and disturbance and in the parking situation in Park View Road outweigh the increased possibility of overlooking of housing to the west. I therefore consider that the replacement of the nursery school by a two-storey office building is acceptable in these surroundings.

8. With regard to the conditions suggested by the Council as being applicable in the event of the appeal being allowed, these all seem to me to be capable of being incorporated in details pursuant to an outline planning permission. I therefore consider it unnecessary to impose any conditions other than those required by section 41 of the Town and Country Planning Act 1971.

9. In reaching my conclusions on this appeal I have taken careful account of all the matters raised in the representations but do not consider these to be of sufficient weight to alter my decision.

10. For the above reasons, and in exercise of powers transferred to me, I hereby allow this appeal and grant outline planning permission for the erection of a two storey office building with car parking at 1, Park View Road, Berkhamsted in accordance with the terms of the application no 4/1666/87 dated 28 October 1987 and the plans submitted therewith, subject to the following conditions:-

1.
 - a. approval of the details of the siting, design, and external appearance of the building, the means of access thereto, and the landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the local planning authority;
 - b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this decision;
2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:
 - a. 5 years from the date of this decision; or
 - b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved.

11. Attention is drawn to the fact that an applicant for any consent, agreement, or approval required by a condition of this permission, and for approval of the reserved matters referred to in this permission, has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally, or if the authority fail to give notice of their decision within the prescribed period.

12. The developers' attention is also drawn to the enclosed note relating to the requirements of the Chronically Sick and Disabled Persons Act 1970.

13. 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 and Madam
Your obedient Servant

I. Currie

I W CURRIE BA MPhil ARICS MRTPI
Inspector