



PLANNING

Civic Centre Marlowes
Hemel Hempstead
Herts HP1 1HH

MR R EMERY
2 DORMERS
FLAUNDEN LANE
BOVINGDON
HERTS
HP3 OQA

Applicant:

MR J SUMMERS
9 ADAMS ROAD
CAMBRIDGE

CB3 9AD

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/01745/98/FUL

67 ST. AGNELLS LANE, HEMEL HEMPSTEAD, HERTFORDSHIRE, HP2 7AY
CHANGE OF USE FROM ONE UNIT INTO TWO

Your application for full planning permission dated 14 October 1998 and received on 05 October 1998 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 03 December 1998

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01745/98/FUL

Date of Decision: 03 December 1998

1. There is inadequate provision for vehicle parking within the site to meet standards adopted by the local planning authority. The proposed parking spaces are situated too far away from the development to be of practical use. As a consequence, the proposed development would result in vehicles parking on the highway contrary to the interests of highway safety.

2. The proposed development would have a seriously detrimental effect on the amenities and privacy at present enjoyed by the occupants of No. 1 Washington Avenue.



Appeal Decision

site visit held on Monday, August 24, 1999

by R E Hurley C Eng MICE MIHT

an Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

PLANNING DEPARTMENT

DACORUM BOROUGH COUNCIL

The Planning Inspectorate
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Houlton Street
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Comments

23 AUG 1999

Appeal : T/APP/A1910/A/99/1023387/P5

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr John Summers against Dacorum Borough Council.
- The site is located at 67 St Agnells Lane, Hemel Hempstead.
- The application (ref: 4/01745/98/FUL), dated 1 October 1998, was refused on 3 December 1998.
- The development proposed is the change of use from one residential unit into two.

Decision: The appeal is allowed and planning permission granted subject to conditions set out in the attached schedule:

Procedural Matters

1. The council state that their second reason for refusal can be overcome by the installation of obscure glass in a ground floor window, located in the rear elevation of the property serving a kitchen/dining room. There would be clear views through the window across the small rear garden of 1, Washington Avenue, such that the occupiers would suffer loss of privacy. At my site inspection I found that the window had obscure glass. Provided that the window remains obscure glazed and non-opening permanently, I am satisfied that the second reason for refusal would be overcome. This could be covered by a condition.

Development Plan

2. Policy 8 of the Dacorum Borough Local Plan, adopted April 1995, sets out the design criterion for all new development which is expected to be to a high standard. Policy 54 seeks to ensure that new development meet the standards for parking provision set out in the Environmental Guidelines of the Plan.

The main issues

3. The main issue is whether the vehicles associated with the proposal would result in a level of on-street parking which would interfere with the free and safe flow of traffic on nearby roads.

Inspector's reasons

4. The appeal premises are located towards the eastern side of a large housing estate comprising mainly long terraces of houses. Many of these houses, including the appeal premises, do not have on-site parking facilities. There are a number of blocks of lock-up garages on the estate, one of which is Dawley Court, that are situated generally to the rear of

the residential properties. St Agnells Lane and Washington Avenue are distributor roads and bus routes serving the housing estate.

5. Based on their parking standards the council state that the parking requirement for the proposal is 3.5 spaces. They compare that number with 2 parking spaces for the existing use. I note the number of spaces in the council's Environmental Guidelines for 4+ bedroom houses is 3.75 spaces. My view is that parking standards should be applied in a flexible way, taking account of the particular circumstances of the case, such as whether the site has access to other means of travel. In this case the appeal site is a short distance from bus stops on St Agnells Lane.
6. The ground floor accommodation in the existing property comprises two entrance halls, a living room, kitchen and bathroom. On the first floor there are two bedrooms, a living room, kitchen and bathroom. The council have issued a Certificate of lawful development for extensions and alterations of the property and a Certificate of lawful use of the extended property as a five bedroom house. I do not consider that the traffic which would be likely to be generated by the proposed two units would be significantly greater than that associated with the full use of the premises by a family large enough to utilise fully the accommodation in the house.
7. Two garages in the garage courts on the housing estate form part of the appeal site. One in Dawley Court is about 50m from the appeal site. I have not attached substantial weight to the council's view that the future occupiers of one of the proposed units would be unlikely to use this garage. It is clear to me that the design and layout of the housing estate is based on the residents using garages located some distance from their houses. I consider that the use of this garage by the occupiers of one of the new units would be in line with this principle. I take a different view with regard to the second garage because it is located some 250m from the proposed units. It is unlikely that it would be well used by the future occupiers.
8. The council state there is a parking problem in the area. During evening periods and throughout the day there is little parking space available within Dawley Court. The accident records show that there have been three accidents within the last three years at the junctions of minor roads with St Agnells Lane and Washington Avenue. The information submitted does not indicate whether parked cars were a contributory factor. Traffic calming measures have been carried out in St Agnells Lane recently which include some on-street parking spaces. My view is that these measures have significantly reduced the risks to the safety of other road users and would deter drivers from parking in unauthorised space. Other nearby roads, such as Crawley Drive and Harlow Court, are internal housing estate roads which do not carry large volumes of traffic. Any cars parking on them would not cause significant obstruction to through traffic. Given the small number of cars associated with the proposal I do not share the council's view that the proposal would result in a material increase in vehicles parking at junctions and within visibility splays of minor roads.

Conclusions

9. I find that the proposal would not result in substantial numbers of additional vehicles parking on nearby highways which would interfere with the free and safe flow of traffic along those roads to an unacceptable degree. Any harm to highway safety would be outweighed by the provision of two small units suitable for first time buyers. The proposal would be in accordance with Policy 8 of the Borough Local Plan and would be a suitable exception to Policy 54.

10. For the reasons given above I conclude that the appeal should, on balance, succeed and I shall exercise the powers transferred to me accordingly

Schedule:

Appeal : T/APP/A1910/A/99/1023387/P5

11. The appeal is allowed and planning permission granted for the change of use from one residential unit into two in accordance with the terms of the application No: 4/01745/98/FUL dated 1 October 1998, and the plans submitted therewith, subject to the following conditions:

- (i) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
- (ii) The rear window serving the kitchen of the ground floor unit, hereby approved, facing the rear garden of 1, Washington Avenue shall be obscure glazed and of a non-opening type and shall be maintained as such at all times.