



# Departments of the Environment and Transport

Eastern Regional Office

Charles House 375 Kensington High Street London W14 8QH

Telephone 01-603 3444 ext 171

PLANNING DEPARTMENT DACORUM DISTRICT COUNCIL			
Ref.		Ack.	
C.P.O.	D.P.	LC.	Admin. File
Received <i>[Signature]</i>		28 JUN 1985	
Comparison reference PRB/AP Our reference (a) APP/A1910/A/84/023702 (b) APP/A1910/E/84/800553			

Paul Birch AADipl RIBAC  
33 Victoria Road  
BERKHAMSTEAD  
Hertfordshire  
HP4 2JT

*13106*

CHIEF EXECUTIVE  
OFFICER

28 JUN 1985

File Ref. ....

Refer to *28/6*

Cleared .....

27 JUN 1985

Sir

TOWN AND COUNTRY PLANNING ACT 1971 - SECTION 36 AND SCHEDULE 11

APPEALS BY P WEBBER ESQ

APPLICATION NOS: (a) 4/0592/84 (b) 4/0282/84LB

1. I am directed by the Secretary of State for the Environment to refer to your client's appeals:

- (a) Under Section 36 of the Town and Country Planning Act 1971 against the decision of Dacorum District Council to refuse planning permission for the conversion of an existing barn into 3 residential units at Leverstock Green Farm, Leverstock Green, Hemel Hempstead, Hertfordshire; and
- (b) Under paragraph 8 of Schedule 11 to the Act against the decision of the same Council to refuse listed building consent for the above conversion works.

2. The written representations made in support of the appeals and those of the Council and third parties have been considered. A Planning Inspector has visited the site and has furnished a description of it. A copy of her report of the site visit is annexed to this letter.

3. On behalf of your client you contend that it is essential to find an appropriate use for this barn. You say that this conversion scheme, with admittedly less than normal amenity space, has been purpose designed to meet the needs of certain members of the population, such as single or elderly people, who are content with accommodation with minimum maintenance problems; modern flats and maisonettes often have no amenity space. You point out that the conversion of a building into more than one dwelling makes an important contribution towards meeting the need for additional accommodation in the area, especially for smaller households. The building's existing structure divides naturally into 3 units; all existing cross walls, floor and roof members are being maintained where possible. When viewed from the garden or the adjacent property to the south, the barn's appearance will be little different from what it is at present, and the overall conversion would not render the barn out of keeping with the adjacent house or represent such a degree of change as to be unacceptable. You contend that the effect of a slight increase in traffic over and above the present low volume will be immaterial and irrelevant and the worry over noise disturbance is unfounded. You further submit that since there will be no dormer windows at the rear and since it is proposed to retain the screen fence along the boundary between the barn and No 3 Windermere Close, there would be no intrusion of privacy; you note that

the Council have admitted that there will be no overlooking onto adjoining properties. Insofar as the proposal's effect on the setting of the adjacent listed building is concerned, you point out that the County Council professional design experts considered that the proposal was sympathetic to the Farmhouse. With regard to the third party objections, you consider that the Planning Officer would have taken all the points raised into account before recommending to the Committee that planning permission be given. You conclude therefore, that in terms of Circular 22/80, there are no sound and clear cut reasons why this proposal cannot be approved.

4. The Council, with regard to the listed building aspects, contend that the barn is located on the site in such a way that it forms an important part of the setting of the adjacent listed building and although of much more recent construction than the Farmhouse, it retains a good deal of the original character. In the Council's view, the proposed alterations, which include the installation of dormer windows, erection of porches and creation of a hardstanding and car port, would detract from this character and be out of keeping with the adjacent listed building, while also impairing its outlook and privacy. The proximity of the barn to the existing large family dwelling to the south, makes the conversion of this barn even to one unit difficult but the proposed conversion to 3 units and provision of 6 car parking spaces, are considered to give rise to an unnecessary and unsatisfactory degree of change and to constitute overdevelopment. Due to the need to provide parking space, a clothes-drying area and a dustbin store, the amount of space around the dwellings would be severely limited and would be inadequate to accommodate satisfactorily the necessary residential amenities for 2 2-bedroom units and a 3-bedroom unit. The Council are also concerned about the proximity of the barn to its southern boundary which, for about  $\frac{3}{4}$  of its length, runs alongside the residential garden of No 3 Windermere Close. In spite of the existing 6ft high close boarded fence which affords some screening and protection to privacy, there will inevitably be intrusion of the amenities at present enjoyed by the occupants of this adjacent dwelling. The Council admit that there would be no direct overlooking but they submit that the use of the narrow passage-way between the barn and this boundary fence, together with the number of proposed openings in the barn's rear elevation, is undesirable and likely to create an unnecessary level of intrusion. The Council conclude that in accordance with Circular 22/80, there are sound and clear cut reasons for refusing permission for the proposed conversion. They are aware of the importance of finding an acceptable use for such a barn and do not doubt that a residential use would be the most appropriate. However, they consider that the number of units proposed and the scale of alterations to the barn are excessive. They suggest that a scheme of conversion to one unit would allow the provision of a greater amount of amenity space within the site and also overcome the overdevelopment problem.

5. Letters of objection to your client's proposal have been received from the occupants of Nos 2, 3, 4 and 7 Windermere Close. There is concern that the proposed conversion would cause the barn to become detached from the listed Farmhouse's setting, of which it forms an integral part. The small amount of land surrounding the Farmhouse currently enhances its attractiveness, and a change in the character of the site and setting would result in the loss of visual amenity to the neighbourhood. The site would lose its present spaciousness and would become visually cluttered and thus out of keeping with neighbouring properties. The proposed dwellings would be terraced and not sympathetic to existing development in the Close. It is contended that there is already significant overlooking from the barn windows into No 3 and that the proposed insertion of more windows and doors into the barn's rear elevation, would adversely affect the privacy of the back gardens of Nos 1, 2 and 3. Furthermore, there would be additional noise resulting from the use of the alleyway at the rear of the barn, sound overspill from the dwellings and use of the associated car parking and ancillary facilities. The

restricted and completely inadequate provision for car parking would result in parking in Windermere Close which would be a nuisance and a safety hazard. The number of bedrooms involved indicates that the dwellings are meant for families and because of the scheme's lack of gardens and play space, there would inevitably be an adverse effect on other occupants of the Close.

6. With regard to the appeal against refusal of planning permission, the Secretary of State notes that in the District Plan the appeal site is included within the urban area of Hemel Hempstead where planning permission will normally be granted for residential development on small sites provided that the use will also be environmentally acceptable. He also notes that the Council accept in principle that the barn could be used for residential purposes but that they object to your client's proposed scheme for conversion. In this respect, he observes that once provision is made for an access, parking facilities, a clothes drying area and a binstore, there will be no space to lay out even a small area of private amenity space for each of the dwellings. Although such a lack of amenity space might be acceptable for some forms of residential development, he does not consider it satisfactory in this case, bearing in mind that the type of accommodation to be provided could be suitable for families, and having regard also to the size of the gardens both of the listed Farmhouse and of the adjacent dwellings in Windermere Close. In addition, the Secretary of State notes that the barn is situated very close to the boundary fence of No. 3 Windermere Close and is only about 36 ft away from the Farmhouse, and he considers that the introduction of three additional dwellings within a building located so close to two other dwellings would be unsatisfactory. For these reasons, the Secretary of State has concluded that the proposal constitutes overdevelopment. On the question of the effect of the proposal on the amenities of the occupants of nearby dwellings, particularly those immediately to the north and south of the appeal site, he recognises that no new windows are proposed in the upper floor at the rear of the barn, but he sees no reason to disagree with the Inspector's assessment that the garden of No. 3 Windermere Close can be overlooked from existing windows. He also considers that the increased activity resulting from the proposal including the use of new doorways at the front and rear of the building, would significantly detract from the amenities currently enjoyed by residents, and he therefore agrees with the Inspector that the proposed conversion is likely to be detrimental to the amenities of the occupiers of No. 3 Windermere Close and of the listed Farmhouse. In his view, the above objections constitute sound and clear cut reasons for refusing planning permission.

7. Turning to the appeal against refusal of listed building consent, the Secretary of State agrees with the Inspector that the proposed alterations would completely change the character of the appeal property from a straightforward functional range of service accommodation, clearly ancillary to the adjacent Farmhouse, to a row of dwellings in a somewhat fussy neo-vernacular style. He also agrees with her that the five large new dormers would appear particularly assertive and out of scale with the existing building, resulting in the barn becoming unduly prominent and thus detracting from the character and setting of Leverstock Green Farmhouse. He considers, therefore, that in view of the effect of the proposed works on both the existing barn and the listed Farmhouse, listed building consent should not be granted.

8. Accordingly, the Secretary of State hereby dismisses both of your client's appeals.  
I am, Sir,  
Your obedient Servant,

MISS A GERRY

Authorised by the Secretary of State  
to sign in that behalf

Tollgate House  
Houlton Street  
BRISTOL  
BS2 9DJ

To the Right Honourable Patrick Jenkin MP  
Secretary of State for the Environment

Sir

I have the honour to report that on 10 April 1985 I held an accompanied site visit into an appeal by Mr P Webber under Section 36 and Schedule 11 of the Town and Country Planning Act 1971 against the refusal of the Dacorum District Council to grant listed building consent and to permit the conversion of an existing barn into 3 residential units at Leverstock Green Farm, Leverstock Green, Hemel Hempstead, Herts.

1. This report contains a description of the appeal site and surroundings and my appraisal of the likely impact of the proposed development. A list of persons present at the site visit follows.

#### THE SITE AND SURROUNDINGS

2. Leverstock Green Farmhouse is a Grade II listed building that stands to the south of Leverstock Green Road (A414) only a short distance north-west of the Green itself. The appeal site comprises a freestanding building, described as a barn, and an area of land about it, lying within the curtilage of the Farmhouse. The existing access is from Leverstock Green Road across a wide grass verge that abuts the north-east boundary of the site.

3. The building that is the subject of this appeal stands close to the existing southern boundary of the site and only about 36 ft away from the south-east side of the Old Farmhouse, where the main entrance is situated. The so-called barn is a single-storey brick building, painted white on the front and sides, with a simple pitched roof covered in brown concrete pantiles. On the ground floor the building is divided into 3 separate compartments by brick cross-walls, but the loft, in the roof space, is open for its full length. The building has small high level windows, with cambered brick arches, to the rear elevation. At the front, facing the Farmhouse, there is a large opening at the northern end of the building which enables that section to be used as a garage. The other 2 compartments are enclosed and each has an external door and windows, which are divided into small panes but are of a non-traditional form. All these openings have exposed lintels rather than arches. There is a centrally positioned dormer with a loft door and another door in the north gable end. There is also a window in the south gable which may have been a replacement for a loft door. The present access to the loft is by means of an internal stair, that rises against the dividing wall in the central compartment.

4. The appeal building backs onto the side boundary of No 3 Windermere Close, one of 11 houses in a small cul-de-sac development constructed, post 1960, on land at the rear of Leverstock Green Farmhouse.

5. Leverstock Green and the area surrounding the appeal site is primarily residential. Much of the development is fairly recent, but the area has retained a

pleasant and attractive character to which the few old buildings, such as Leverstock Green Farmhouse, make an important contribution.

#### APPRAISAL

6. It appears from the list description that the Farmhouse is timber framed and dates possibly from C16 or C17, although much restored. Judging from the layout of the established garden at the rear and the present appearance of the house, the property is unlikely to have been part of an active farm for many years. The character of the appeal building and the way that it relates to the house suggests to me that it was probably built as stables and a coach house, rather than a barn, and possibly constructed or altered about 1910 (the date given by the appellant).

7. In the Dacorum District Plan, adopted by the District Council in January 1984, the appeal site is included within the urban area of Hemel Hempstead. Within such an area planning permission will normally be granted for residential development on small sites provided that the proposal also accords with the environmental guide lines set out in the Plan.

8. In the appeal proposal the 'barn' building would be converted into 3 dwellings with the existing cross-walls becoming the dividing walls between the units. The largest at the southern end of the block, nearest to Windermere Close, would have on the ground floor a kitchen, dining room, study and living room, and on the first floor, to be formed in the roof space, there would be 3 bedrooms and 2 bathrooms. The middle dwelling would have a living room and a kitchen/dining room on the ground floor and 2 bedrooms and a bathroom above. The unit proposed at the northern end, the present garage, would have an open plan ground floor, comprising a kitchen, dining and living areas, with 2 bedrooms and a bathroom on the first floor. The conversion of the loft to provide bedroom accommodation for 3 dwellings, as in this proposal, requires the installation of 5 large dormer windows and the replacement of 2 loft doors by windows. The existing fenestration would be substantially altered, with new doorways formed in the rear elevation. A projecting porch, with a pitched roof, would be provided to each dwelling on the entrance side, facing towards the Farmhouse.

9. These external alterations would completely change the character of the building, turning it from a straightforward functional range of service accommodation, clearly ancillary to the adjacent 'listed' farmhouse, to a row of 3 residential units in a rather fussy neo-vernacular style that might almost be mistaken for a completely new build. The large new dormers would be particularly assertive and out of scale with the existing building. In contrast to the simple lines of the present roof, the proposed treatment of these dormers would make the building unduly prominent and tend to detract from the appearance of Leverstock Green Farmhouse.

10. In the appeal proposal a new vehicular access would be formed, from Windermere Close, to serve the 3 new residential units and a carport for 3 cars, with 3 additional parking spaces would be provided. The existing paved yard between the Farmhouse and the appeal building would be retained as a forecourt, common to all 4 residences, but there would be no space left, after provision had been made for clothes drying and dustbins on the site, to provide even a small area of private amenity space for each dwelling.

11. The rear wall of the existing building is less than 5 ft away from the southern boundary of the site which adjoins No 3 Windermere Close. Although there is a timber fence along the boundary, the garden of No 3 can be overlooked from the high level

windows in the rear wall. Up until the present time, with the fairly limited use of the building, this has not proved a serious nuisance, although the occupants of No 3 are now most concerned that they would be adversely affected by the proposed conversion and would suffer a significant loss of amenity as a result of the increased activity that 3 new households are bound to generate.

12. The local planning authority claims to be aware of the importance of finding an acceptable use for such a building as this, standing within the curtilage of a Grade II listed building, and to accept that a residential use would be the most appropriate, but take the view that in this case the number of units proposed and the scale of alterations involved would be excessive. In my opinion the character and setting of the listed building, Leverstock Green Farmhouse, would be adversely affected if the existing 'barn' were converted into 3 family sized dwellings, as in the proposed development. Although the internal arrangement of the new dwellings would be satisfactory they would be deficient in external amenity space. The appeal building is in such close proximity to both the Farmhouse and the adjoining property at No 3 Windermere Close, that the proposed conversion is likely to be detrimental to the amenities of the occupiers.

I have the honour to be  
Sir  
Your obedient Servant

MRS H GROGAN DipArch Architect  
Inspector

April 1985

Persons present at the site visit:

Mr Knapp	- Dacorum District Council.
Mr P Webber	- the appellant.
Mr Massey	- representing the appellant's agent Mr P Birch RIBA

TOWN AND COUNTRY PLANNING ACTS, 1971 AND 1972  
BUILDINGS OF SPECIAL ARCHITECTURAL  
OR HISTORIC INTEREST

Other

Ref. No. ....

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To: Mr P Webber  
Leverstock Green Farm  
Leverstock Green Road  
Hemel Hempstead

Mr P Birch  
33 Victoria Road  
Berkhamsted  
Herts

.....Conversion of Barn to 3 Dwelling Units.....  
.....  
at ..Leverstock Green Farm House, Leverstock Green..  
.....Road, Hemel Hempstead.....

Description and  
location of  
proposed works.

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 grant of listed building consent to the works described above and proposed by you in your application dated .....24th February 1984..... and received with sufficient particulars on .....2nd March 1984<sup>checked</sup>..... and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse listed building consent for the works proposed are:

The proposed conversion would in the opinion of the Local Planning Authority ☐ detract from the character and appearance of the building itself, and prove injurious to the character of Leverstock Green Farm House.

Dated .....28th..... day of .....June..... 1984.....

Signed .....*Colin Barker*.....

Designation .....CHIEF PLANNING OFFICER.....

See Notes Overleaf.

## NOTE

1. If the applicant is aggrieved by the decision of the local planning authority to refuse listed building consent for the proposed works, or to grant consent subject to conditions, he may, by notice served within six months of receipt of this notice, appeal to the Secretary of State for the Environment in accordance with Paragraph one of Schedule 11 to the Town and Country Planning Act, 1971. The Secretary of State has power to allow a longer period for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local planning authority in regard to the proposed works are in progress.

2. If listed building consent is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State 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 works which have been or would be permitted, he may serve on the council of the county district, in which the land is situated, a listed building purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Section 190 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 Section 171 of the Town and Country Planning Act, 1971.