

THE DISTRICT COUNCIL OF DACORUM
IN THE COUNTY OF HERTFORD

Mr P Birch RIBA
33 Victoria Road
Berkhamsted

.....Conversion of barn to form three dwellings.....
.....
.....
at ..Leverstock Green Farmhouse,, Leverstock Green Road.....
..... Hemel Hempstead.....

Brief description and location of proposed development.

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

The proposal to convert the building to three units of residential accommodation represents overdevelopment of this restricted site and would if permitted result in serious detriment of the character and amenity of adjoining and nearby dwellings.

Dated 28th day of June 19 84

Signed..... Wm Barnard

Chief Planning Officer

NOTE

- (1) If the applicant wishes to have an explanation of the reasons for this decision it will be given on request and a meeting arranged if necessary.
- (2) 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 section 36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form which is 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.
- (3) 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 District 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.
- (4) 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 169 of the Town and Country Planning Act 1971.



Departments of the Environment and Transport

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PLANNING DEPARTMENT
DACORUM DISTRICT COUNCIL

Ref.		Ack.	
C.P.O.	D.P.	P.C.	Admin.
W14 8QH		File	

Received

23 JUN 1985

13106

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

CHIEF EXECUTIVE
OFFICER

28 JUN 1985

File Ref.

Refer to

Cleared

Comments

PRB/AP

Our reference

(a) APP/A1910/A/84/022702

(b) APP/A1910/E/84/800553

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