

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Mr P J Webber
Leverstock Green Farmhouse
Hemel Hempstead
Herts

OLP/Peter Williams Limited
96 St George Square
London
SW1V 3RA

Detached dwelling

at Leverstock Green Farmhouse, Leverstock Green Road,
Hemel Hempstead

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 29 April 1988 and received with sufficient particulars on 5 May 1988 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 proposed development would result in the loss of essential space around the existing dwellinghouse to the detriment of the character and setting of this Listed Building.
2. The proposed development is completely dominated by mature trees on both sides which are the subject of Hemel Hempstead Borough Council Tree Preservation Order No. 1, 1962. It is considered the proposed development would be likely to result in the loss of the trees or cause them some damage by way of constructional works or through pressure for removal/pruning from the future occupants of the dwellings.

Dated Twenty-fifth day of August 1988

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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Handwritten initials and signature

Mr Peter J Webber
Leverstock Green Farmhouse
HEMEL HEMPSTEAD
Hertfordshire
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PLANNING DEPARTMENT				Ack.		Your reference	
DACORUM BOROUGH COUNCIL				Admin.		File	
SPD	TOPE	PP	D.C.	B.C.	Our reference		
					T/APP/A1910/A/89/117743/P8		
19 JAN 1990				Date			
Received				18 JAN 90			
Comments							

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPLICATION NO: 4/0810/88

1. I have been appointed by the Secretary of State for the Environment to determine your appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for the erection of a detached dwelling house at Leverstock Green Farmhouse, Hemel Hempstead. I have considered the written representations made by you, the Council and interested persons. I inspected the site on Tuesday 5 December 1989.

2. From my inspection of the appeal site and surroundings and from the representations, I am of the opinion that the main issues are whether the proposed house would be detrimental to the setting of Leverstock Green Farmhouse or to the trees in the immediate vicinity.

3. Leverstock Green Farmhouse is one of the few original buildings in the hamlet of Leverstock Green, now part of the residential area of Hemel Hempstead. Its open character survives as the large green near the church and the wide grass areas on the south-west side of Leverstock Green Road, behind which are some of the original buildings including the Farmhouse, which is a Listed Building. Although there is a large outbuilding used as offices and a garage close to its south-east and north-east sides respectively, it retains some of its individuality as a former farmhouse by its setting well back from Leverstock Green Road and, on its north-west side and adjoining Windermere Close, by its grounds and adjacent land which contains some prominent trees that are included in a Tree Preservation Order.

4. The Council's District Plan policies provide that new development should have regard to the location and design of adjacent development, and to the preservation of trees for their landscape and amenity value. The proposed house would be situated towards the Leverstock Green Road boundary of the site, leaving some 17 m between it and the Farmhouse. It would be some 5 m from the trunks of a row of 15 m high lime trees along that boundary and its other side would be about 4 m from the trunk of a cedar tree of about 12 m in height. When seen from the direction of Windermere Close, the proposed house would be set well back from the open area north-west of the prominent gable of the Farmhouse nearest to Windermere Close, so that it would have less adverse effect on that building from that viewpoint than the house referred to in the 1983 appeal. However, its nearest wall would be about the same distance from the Farmhouse as that house and, when seen from Leverstock Green Road, it would stand fairly centrally in the open area fringed by the lime trees. In my opinion, these tall trees, which are a conspicuous

feature of Leverstock Green, add to the quality of that open area so that the appearance of the proposed house among them, and in the general proximity of the Farmhouse, would be to the detriment of the setting of the Farmhouse and its associated buildings.

5. The proposed house would be very close to the spread of the cedar and 2 of the larger lime trees, so that I consider that its associated foundations and other grounds works would have some effect on their root systems. I consider that carefully executed building works would minimise the damage to the lime trees, and their branches would be too high to obscure the windows of the house. The effect on the cedar is likely to be much greater because of the closeness of the proposed house, garage, pavings and access drive, together with necessary underground services. Although some die-back affects the crown of the cedar and it may be past its prime, I consider that it would remain and continue to have amenity value for another 50 years if left undisturbed. However, in spite of the care which could be taken in the siting and construction of the buildings and services, I consider that such works so close to this tree would be likely to result in significant further decline. Although not as large as another such cedar in Bedmond Lane, it has considerable amenity value in the context of its surroundings and the likelihood of its premature and early loss as a result of the proposed house would be to the further detriment of the appearance and character of the surrounding area.

6. Although the greater distance of the proposed house from Windermere Close reduces the effect on the setting of the Farmhouse from that direction compared with the 1983 proposal, the adverse effect on the appearance and setting of the Farmhouse that I have described with the further adverse effect from the early loss of the cedar combine so that the proposed dwelling would be unduly detrimental to the setting of the Farmhouse and to at least one of the important trees in the vicinity.

7. I have taken account of all the other matters in the representations but I am of the opinion that they do not outweigh the considerations that led me to my decision.

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

I am Sir
Your obedient Servant

D. J. Tuckett

D J TUCKETT ARICS MRTPI
Inspector