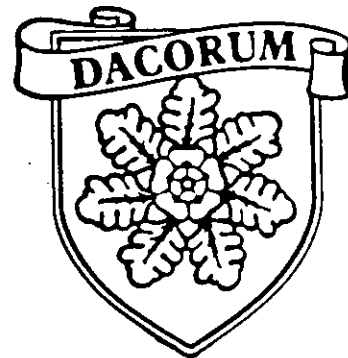


TOWN AND COUNTRY PLANNING ACT 1990

DACORUM BOROUGH COUNCIL



Application Ref No. 4/1024/92

R Philbey  
The Green Dragon  
Flaunden  
Herts

Derek Kent & Associates  
Great Wheelers Barn  
The Green  
Sarratt  
WD3 6BJ

DEVELOPMENT ADDRESS AND DESCRIPTION  
=====

The Green Dragon, Flaunden,  
ERECTION OF CONSERVATORY (RESUBMISSION)

Your application for *full planning permission* dated 07.08.1992 and received on 11.08.1992 has been **REFUSED**, for the reasons set out on the attached sheet(s).

Director of Planning

Date of Decision: 01.10.1992

(ENC Reasons and Notes)

REASONS FOR REFUSAL  
OF APPLICATION: 4/1024/92

Date of Decision: 01.10.1992



The proposed extension will adversely affect the appearance and setting of this Grade II Listed Building due to its siting and poor relationship with the existing building.

**NORTHGATE  
DOCUMENT STAMPED  
TO ENSURE DETECTION  
BY SCANNER**



# The Planning Inspectorate

*An Executive Agency in the Department of the Environment and the Welsh Office*

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Your Reference  
dk/cas/298w  
Our References  
T/APP/F/92/A1910/625698  
T/APP/A1910/A/92/214210  
Council Reference

4/1479/92EN 24/1024/92

Date 24 MAY 93

Gentlemen

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990: SECTION 39 AND SCHEDULE 3

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6

PLANNING AND COMPENSATION ACT 1991

APPEALS BY MRS B GREEN AND MR R PHILBEY

BUILDING AND LAND AT THE GREEN DRAGON PUBLIC HOUSE FLAUNDEN HERTS

1. I have been appointed by the Secretary of State for the Environment to determine your clients' appeals against a listed building enforcement notice issued by the Dacorum Borough Council, and a refusal of planning permission by that Council, concerning the above building. I have considered the written representations made by you, by the council, and by other interested persons. I made an accompanied visit to the building on 11 May 1993.

2. a. The enforcement notice was issued on 4 November 1992.

b. The contravention of listed building control alleged in the notice is the alteration of the building by the partial construction of a brick built conservatory, without the grant of listed building consent for those works.

c. The requirements of the notice are to remove the partly constructed building, together with any related materials.

d. The period for compliance with the notice is 2 months from the date on which the notice takes effect.

e. The appeal was made on the grounds set out in Section 39(1)(e)(g) and (h) of the 1990 Act.

3. Planning permission was refused for the construction of a conservatory, manifestly the same building as that partially constructed.

4. The Green Dragon is a much extended but nevertheless very pleasant building alongside the main road passing through the small settlement of Flaunden. The extensions so far have been executed in strictly traditional style, blending well with the original core of the building. Further substantial extensions have been granted planning permission, but not yet carried out. The placing of this conservatory overlaps part of the permitted,

but as yet unbuilt, extension, and there has been some correspondence between you and the Council, and shown to me, as to whether a new permission needs to be obtained for the design modifications that will be required to this proposed extension. I consider that I can deal with these appeals without needing to come to any conclusion on that matter, which I regard as being between your client and the Council.

5. That portion of conservatory now constructed consists of brick walls up to about eaves height, and including 5 windows not shown on the submitted plans. The bricks used do not exactly match those used in the rest of the building and its various extensions.

6. The appeal on ground (e) and the planning refusal. The difference between you and the Council concerns the aesthetic merits of the proposed structure relative to the listed building. I agree that this is the issue to be decided, bearing in mind the nature of the business carried out in the building, a public house. I accept as given that the accommodation is required for the business, although it appears to me that to call it a conservatory does not reflect its purpose, a children's playroom.

7. In my subjective opinion this proposed addition to the building does not have the same traditional character that the other extensions have retained. The exposed side and rear facades of the conservatory/playroom seem to me to be not well assimilated into the overall design of the public house by reason of their somewhat awkward connection to the rest of the building. In particular, the gable end sits very badly beside the adjoining single storey portion, and the canted front wall does not link well with the side of the main building. If a room of this size needs to be attached to the building, I consider that greater respect should be paid to the aesthetic merits of the listed structure and a more harmonious design produced. This may perhaps be in a form not necessarily of a conservatory. The appeal on ground (e) and the appeal against the refusal of planning permission both fail.

8. The appeal on ground (g). You say that the structure could be modified so as to avoid its complete removal, or at most the notice need only require the removal of the walls. The Council do not address this point, but I agree with you that an alternative structure could be placed on the foundations of the present building, and be more in keeping with the main building. I will amend the requirements of the notice accordingly, but otherwise I consider that the requirements are not excessive, bearing in mind the harm done to the character of the listed building. The appeal on this ground fails.

9. The appeal on ground (h). I do not accept that more than 2 months is needed for the removal of these short lengths of wall, even if your client wishes to negotiate an alternative scheme with the Council. The appeal on this ground fails.

10. I have taken account of all other matters put to me but do not find that they cause me to come to any different decision.

#### FORMAL DECISIONS

#### The listed building enforcement notice appeal. T/APP/F/92/A1910/625698

11. For the above reasons and in the exercise of the powers transferred to me, I hereby direct that the notice be varied by the deletion of Schedule 2 and the substitution therefor of the following Schedule 2:

Remove all of the partially constructed building with the exception of the foundations and oversite works only.

Subject to that variation, I uphold the notice, dismiss your client's appeal, and refuse to grant listed building consent for the retention of the works undertaken in contravention of Section 7 of the Act.

The appeal against the refusal of planning permission, T/APP/A1910/A/92/214210

12. For the above reasons and in the exercise of the powers transferred to me, I hereby dismiss your client's appeal.

#### RIGHT OF APPEAL AGAINST DECISIONS

13. This letter is issued as the determination of the appeals before me. Particulars of the rights of appeal against the decision to the High Court are enclosed for those concerned.

I am Gentlemen  
Your obedient Servant

P W Robinson

P W ROBINSON Architect  
Inspector

ENC