A/167/JLC/P

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Our reference T/APP/A1910/A/83/1602/PH2

Date

Ref. | Ack.
C.P.O. | D.P. | - 5 DEC 1983

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY MR P WEBBER
APPLICATION NO:- 4/1215/82

1. As you know, I have been appointed by the Secretary of State for the Environment to determine the above appeal. This appeal is against the decision of the Dacorum District Council to refuse planning permission for a new house and garage to be built on land at Windermere Close, Leverstock Green, Hemel Hempstead, Herts. I have considered the written representations made by you and by the Council and also those made by the Chiltern Society and by interested persons. I inspected the site on 15 November 1983.

2. From my inspection of the appeal site and its surroundings, and my consideration of the written representations, it seems to me that the main issue to be resolved in this case is whether or not the proposed development would seriously affect the setting of Leverstock Green Farmhouse, which is a listed building.

3. The appeal site is on the south-west side of Leverstock Green Road (A414) and within the present curtilage of Leverstock Green Farmhouse. Eleven houses have been constructed on land at the rear in a cul-de-sac named Windermere Close. It is intended that the new house would be approached from that cul-de-sac. Part of the site is within a group of trees included in a tree preservation order in 1962. The site is within an area allocated primarily for residential use on the approved development plan. No provisions of the approved structure plan appear to be material to the appeal proposal. Under the modified local plan being considered by the Council all proposals for new development are to be assessed with particular regard to a number of matters, including the physical characteristics of the site, the location and design of adjacent development, traffic considerations and the creation of a satisfactory environment.

4. From the submitted plan it seems that the proposed house would be in a similar position in relation to the adjoining house at 4 Windermere Close as the house at No. 6 is to 5 Windermere Close. I do not consider that there would be any unreasonable overlooking or loss of privacy as far as the occupiers of 4 Windermere Close are concerned or that there would be any undue traffic difficulties.

5. The appeal proposal would involve the loss of a deodar cedar tree which is within the protected group of trees to which I have referred. That tree is in my view prominent in the locality and makes a positive contribution to the general amenity of the area. However there are a number of broken branches and some dead wood in the lower part of the canopy. I formed the impression that the tree may

well be past its prime. It is not in my opinion in such good condition as the cedar tree at the junction of Bedmond Road and Chambersbury Lane, to which the Council have referred. It could well be that the proposed replacement planting would in the long term go some way towards compensating for the loss of the cedar tree from the appeal site. I agree with the previous appeal inspector that your client's proposal is a matter of finely balanced judgement in relation to the continued preservation of that tree.

6. It is to my mind desirable that the setting of the listed building should be preserved so that the building's attractive features can be appreciated. By comparison with the previous scheme your client's proposal would allow a slightly larger garden area to remain on the north-west side of the modern back wing of the farmhouse. However the space to the north-west of the older part of the building, with its prominent gable, would be restricted to a similar extent as in the previous scheme. That gable is in my view an important feature of the building. I do not consider that the present setting of that part of the building should be diminished. That factor, taken together with the loss of the cedar tree which I believe contributes to some degree to the quality of the immediate surroundings, makes the appeal proposal unacceptable in my opinion.

7. I have taken note of your contention that the design, orientation and positioning of the proposed dwelling has been designed so as not to encroach upon the existing farmhouse and retain the essential landscaped garden to the rear of that property. However that does not alter my view that the setting of that listed building would be significantly impaired by your client's proposal. I have also taken into account all the other matters raised in the written representations, including the large barn onto which the front elevation of the house faces, but those matters seem to me outweighed by the considerations which have led to my decision.

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

I am Sir
Your obedient Servant

S D BAGOT BA(Arch) MCP RIBA MRTPI FRSA
Inspector