



# PLANNING

Civic Centre Marlowes  
Hemel Hempstead  
Herts HP1 1HH

MR N A JOHNSON  
17 CRABTREE LANE  
HEMEL HEMPSTEAD  
HERTS  
HP3 9EG

MR N A ECKERT  
2 LAUREATE WAY  
HEMEL HEMPSTEAD  
HERTS  
HP1 3RT

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/01320/99/FHA

2 LAUREATE WAY, HEMEL HEMPSTEAD, HERTS, HP1 3RT  
TWO STOREY SIDE EXTENSION

Your application for full planning permission (householder) dated 23 July 1999 and received on 23 July 1999 has been **REFUSED**, for the reasons set out overleaf.

Director of Planning

Date of Decision: 02 September 1999

**REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01320/99/FHA**

Date of Decision: 02 September 1999

. The construction of the proposed extension will result in excessive root damage to a preserved Oak tree which will be detrimental to the health of the tree.

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



# Appeal Decision

site visit held on 07/03/2000

by Phil Grainger

An Inspector appointed by the Secretary of State for the  
Environment, Transport and the Regions

The Planning Inspectorate  
Tollgate House,  
Houlton Street,  
Bristol BS2 9DJ  
0117 987 8927

PLANNING DEPARTMENT	
DACORUM BOROUGH COUNCIL	
DoP	12 APR 2000
BA(Hons) MRTPI	7 APR 2000
Comments	

**Appeal : T/APP/A1910/A/00/1035505/P9**

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr N A Eckert against Dacorum Borough Council.
- The site is located at 2 Laureate Way, Hemel Hempstead.
- The application (ref: 4/01320/99/FHA), dated 23 July 1999, was refused on 2 September 1999.
- The development proposed is a two storey side extension.

**Decision:** The appeal is dismissed.

## The main issue

1. The main issue is the effect on the character and appearance of the area, having particular regard to the effect on the adjoining oak tree, which is the subject of a Tree Preservation Order.

## The development plan and other relevant policies

2. The development plan includes the Dacorum Borough Local Plan, 1995. Local Plan Policy 94 seeks to minimise the loss of trees where development is proposed and to ensure that visually important trees are retained. This Policy is being carried forward, with no alteration that is significant for this appeal, as Policy 100 of the deposit draft of the emerging Local Plan. This is also a material consideration, to which I have attached some weight in accordance with the advice in Planning Policy Guidance Note 1, General Policy and Principles. I have also had regard to the advice on trees in relation to construction contained in BS5837:1991, which has been referred to by both parties.

## Inspector's reasons

### Effect on the character and appearance of the area

3. Both Gadebridge Road and Laureate Way serve areas of fairly dense housing that owe much of their quite pleasant character to the mature trees that were retained when the houses were built. There is a line of such trees along Gadebridge Lane (now a footpath) that runs between Gadebridge Road and Laureate Way and more scattered trees along Gadebridge Road itself.
4. The appeal property is at one end of a short row of houses at the junction of Laureate Way and Gadebridge Road. Its gable end faces towards the latter road. There is a large ash tree in its rear garden and an even taller oak, which is the object of the Council's concern, about 8 metres from the front corner of the house that is closest to Gadebridge Road. There are some other trees on the grassed area between the garden of no. 2 and Gadebridge Road. The oak in question is the largest tree in this area and, in my opinion, it makes an important and positive contribution to the appearance and character of its surroundings.
5. The appeal proposal seeks to build an extension about 4 metres wide and 7.5 metres deep on the side of the house. This would almost double the width of the property but would be set back from the front wall by about 1 metre. Although this is a large extension, its design and appearance would be in character with the original house and the Council have no objection to it on this count. I have reached the same conclusion. The Council are, however, concerned that the extension would come to within about 3.5 metres of the trunk of the oak tree. As a result of this close proximity they consider that the works involved would seriously affect the health of the tree.

6. Although the extension would be built partly within the branch spread of the oak, the lower branches seem to have been removed some time ago and it appeared to me that little or no additional pruning would be required. The Council's concern is that the works would damage the roots of the tree. In their opinion, the tree is no longer vigorous and they therefore consider that damage to its rooting system would hasten its decline.
7. For a tree to remain healthy it must be able to absorb adequate amounts of water, nutrients and oxygen through its roots. Much of the rooting system is near the surface. It can be severed by even shallow excavations, as well as being easily damaged by compaction and other changes in ground conditions, such as covering with impervious surfaces.
8. Whilst the rooting system of a tree does not always follow the pattern of its branches, I consider it extremely likely that the construction of Laureate Way has affected the roots on that side of the tree. Its trunk is only about 3.5 metres from the edge of the footway and its branches extend across about half the road. Although the tree has survived, I saw that some branches are showing signs of dying back at their ends, especially those at the top of the crown. In these circumstances I consider it is particularly vulnerable to any further disturbance.
9. BS5837:1991 sets out recommended distances for protection zones around trees. The extent of these zones depends on the age, vigour and size of the tree. On their assessment of these matters, the appellants consider the required distance to be 8 metres. The Council consider that the tree is more mature and less vigorous than the appellants' arboriculturalist has suggested. However, as the width of its trunk is only just into the upper size category, they consider a protection zone of 9 metres would be appropriate. From my visual inspection of the tree, and the evidence of die back that I saw, I consider that the tree is likely to be less vigorous than the appellants suggest and that a 9 metre protection zone would, therefore, be more appropriate.
10. Be that as it may, whichever distance is taken, there is no dispute that part of the proposed extension would be within it. Indeed, it is common ground that the extension would be less than even the reduced distance that BS5837:1991 says may be acceptable on one side of a tree only. Given the likelihood that the rooting system on the other side of this tree has already been adversely affected by the construction of Laureate Way, I am not satisfied that any substantial relaxation of the normal distance is appropriate in this case. Even if it were, BS5837:1991 suggests a minimum distance of between 5.4 and 6 metres, depending on how the vigour and maturity of the tree is assessed, whereas the proposed extension would come to within about 3.5 metres of the trunk of the oak.
11. I have taken account of the fact that, although the ground at the side of the house rises up slightly towards the oak tree, most of it is already paved and that a small shed has been positioned on the paving close to the tree. Furthermore, I am aware that some types of foundation would be likely to have less effect on the roots of the tree than others. However, full details of the proposed foundations have not been submitted to me. Neither have details of existing and finished ground levels or the location and depth of drainage and any other service runs.
12. From the information provided, I consider it likely that, despite the paving, the extension would involve at least some modest excavation and additional compaction. In any event, in the zone closest to the tree, a small additional area of garden would be hardsurfaced. Given the likelihood that the roots on the other side of the tree have already been affected, I consider that these further changes would significantly and adversely affect its future health. As I have concluded that the tree is important in the local streetscene, I consider this would be contrary to the aims of Policies 94 and 100 of the adopted and emerging Local Plans respectively and should not be allowed to happen.

#### Other matters

13. I have considered all the other matters raised. However none of these is of such significance as to outweigh the considerations which have led to my conclusions on the main issue.

#### Conclusions

14. For the reasons given above I conclude that the appeal should not succeed and I shall exercise the powers transferred to me accordingly.

