



Appeal Decision

Site visit made on 30 August 2000

by K M Bailey DipTP MRTPI MA(LD) MLI

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

ED	DP	DC	BC	SS
Rec'd 10 OCT 2000				File
Comments:				

The Planning Inspectorate
Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ
☎ 0117 987 8927

Date
- 9 OCT 2000

Appeal Ref: APP/A1910/A/00/1044056

Land adjoining High Trees, Shendish, Hemel Hempstead

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr W Thompson against the decision of the Dacorum Borough Council.
- The application (ref: 4/01669/99/OUT), dated 23 September 1999, was refused by notice dated 2 December 1999.
- The development proposed is a dwelling.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The planning application the subject of this appeal was made in outline, with all matters except siting reserved for future consideration. I will deal with the appeal on that basis.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the surrounding area, particularly with regard to the effect on trees protected by a Tree Preservation Order (TPO).

Planning Policy

3. The Council have not drawn to my attention any policies in the development plan of relevance to this appeal.

Inspector's Reasons

4. The appeal site is located at Shendish Drive, a private road to Shendish Lodge Leisure Club at the rear of, and at a considerably higher level than, houses fronting London Road. It comprises a grassed area of land, fenced off on all sides, which contains a number of large trees protected by the Dacorum District Council Tree Preservation (Shendish Lodge, Kings Langley) Order 1982. Most are within the large group (G1) of approximately 78 sycamores on this and adjoining land. A yew tree (T4) and a lime tree (T6) near the south western boundary are protected as individual trees. The nearest dwelling, High Trees, stands on lower ground to the south east. A copse of trees, also within the TPO, abuts the site to the north west. A mainline rail route into London runs along the south western boundary of the site.
5. The sycamore trees on the frontage of the site appear to have grown up in a group. They have small high crowns on tall straight stems. From all I saw on site I consider that they are

generally healthy, with no significant defects. They appear to be growing with normal vigour. The Council estimate that the sycamore trees are approximately 50 to 60 years old, and may have a useful life expectancy of some 60 to 80 years. They believe that the semi-mature yew tree may live for several hundred years. The twin-stemmed lime tree is agreed to be reaching maturity, with more limited growth potential. With the exception of the yew tree, my view is that the trees as individuals are of average to poor quality.

6. The character of the area derives from the steep slopes and mature trees of the established residential area. The protected group of sycamore trees (G1) is part of a thick band of trees seen from a distance above and behind the houses at Shendish Edge. It also provides an effective visual buffer between existing houses and the railway. The group (G1) as a whole is in a prominent location on the hilltop and, as such, has considerable public amenity value. The Council allowed the previous removal of a number of trees on the appeal site in order to improve living conditions for the occupiers of High Trees. Consequently, the screen of vegetation across the frontage of the appeal site is now relatively thin, in contrast to the dense woodland on the adjoining land to the north west. I believe that the loss of any additional trees would create a noticeable gap in the group, when seen from London Road, and have a significant adverse effect on the visual quality of the area.
7. Advice in BS 5837:1991 "Trees in Relation to Construction" has been used by both parties to calculate the distances for protective fences to be located around root zones of trees, within which areas the ground should not be disturbed. From all I saw on site I consider that the trees are semi mature, requiring protective fences to be erected at minimum distances of 4.5m from the centres of the sycamores and 6m from the yew, in accordance with BS 5837. The appellant maintains that the dwelling would be sited approximately 4m from the trees, so I consider that the building would be very likely to encroach onto their root zones. This, together with the lack of space on the site for construction activities, the movement of plant and machinery, storage of materials or any changes in ground level that may be necessary, leads me to conclude that the proposal could cause significant root damage to several trees protected by the TPO.
8. Many of the protected sycamore trees are growing close to the north west corner of the appeal site, where the proposed access for the dwelling would be located. These trees are relatively close together, so that any new driveway and parking areas would encroach into their root zones. In order to minimise the damage to tree roots, the appellant proposes a "no dig" method of driveway construction. As the trees are already at a higher level than the road along this boundary, I consider that the proposed form of construction may result in a steep gradient on the driveway where the ground levels are built up. However, there is insufficient information for me to judge whether this type of construction could be achieved within the limited space available, wherever the access may be made, or whether it would safeguard the long term health of the affected trees.
9. The proposed dwelling would be sited to the south of most of the trees, so that habitable room windows could be placed to take advantage of the more open and sunny aspects of the site. However, I share the concerns of the Council about the proximity of trees to the proposed house. The sycamore trees have very narrow crowns at present, as they have been severely suppressed by shading and overcrowding in the past. Now that the remaining trees have more space to grow I consider that they could develop a more "typical" spreading canopy of dense foliage. In my experience the occupiers of houses near tall trees tend to become concerned about falling leaves and debris, and safety in high winds. Therefore I

consider that future occupiers may exert pressure for the pruning or removal of more trees on the frontage of the site, despite their protection by the Tree Preservation Order. As the trees grow and spread further into the site, such pressure may be hard for the Council to resist. If permission should be granted for additional felling, then I anticipate that those losses would seriously diminish the contribution that the group makes to the visual quality of the area.

10. I therefore conclude that the proposal could have an unacceptable effect on the character and appearance of the surrounding area, and would prejudice the health and long term survival of trees protected by a Tree Protection Order.

Other considerations

11. The appellant submitted photographs illustrating locations where dwellings are sited close to trees. However, I have very little information as to the details of those previous developments to understand the balance of considerations in those cases. Although the consistency of planning decisions is important, I do not find that those examples are of sufficient weight to over-ride my conclusions on the merits of this appeal, which I have decided on its own merits, as I am obliged to do.

Conclusion

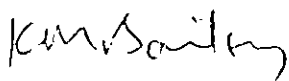
12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

13. In exercise of the powers transferred to me, I dismiss the appeal.

Information

14. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.



K M Bailey
Inspector

Dacorum Borough Council Planning Department

Civic Centre Marlowes
Hemel Hempstead
Herts HP1 1HH



W THOMPSON
YEW COTTAGE
SHENDISH
LONDON ROAD
HEMEL HEMPSTEAD, HERTS

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/01669/99/OUT

ADJ. HIGH TREES, SHENDISH, LONDON ROAD, HEMEL HEMPSTEAD, HERTS,
HP3 9TA
CONSTRUCTION OF DWELLING

Your application for outline planning permission dated 23 September 1999 and received on 27 September 1999 has been **REFUSED**, for the reasons set out overleaf.



Director of Planning

Date of Decision: 02 December 1999

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01669/99/OUT

Date of Decision: 02 December 1999

- 1. The proposed development would encroach upon the area around the existing trees which should be protected from disturbance as recommended by British Standard 5837:1991. The development would therefore adversely affect the future health and safety of these trees, which are the subject of a Tree Preservation Order.**
- 2. The proposed dwelling would be located 4 m from the Yew tree and 4.5 m from the Sycamore trees. The trees would dominate the proposed dwelling causing shading to the dwelling and apprehension to the occupants, which is likely to give rise to pressure for their removal.**
- 3. The proposed access drive would be between the trees and no information has been submitted to show the impact of the development on the trees. The formation of an access drive in this location is likely to damage the health and safety of the trees which are the subject of the Tree Preservation Order.**