

**4/02579/15/LBC - ALTERATIONS TO THE LISTED CURTILAGE BOUNDARY WALLING AND CONSTRUCTION OF NEW FENCING TO FORM NEW LANDSCAPED AREA.
BLUE COURT, 1 CHURCH LANE, KINGS LANGLEY, WD4 8JP.
APPLICANT: Mr Hazell.**

[Case Officer - Keith Frost]

Summary

The application is recommended for approval. The alteration to the existing boundary to form a new section of low walling with a planted landscaped area behind, bounded by close boarded fencing, would not result in any harm to an feature of historic or architectural importance and would have no adverse impact on the setting of the listed building. As such the application complies with policy CS27 of the Dacorum Borough Core Strategy.

Site Description

Blue Court is a large symmetrical classical villa of a late Georgian date, situated on the corner of Church Street and the High Street in Kings Langley. The building, has since 1952 been included on the statutory list of buildings of historic or architectural interest, as Grade II. This former detached residential building has since the late 1990s been used for offices, with the land to the Church Street side of the property having been made into a large paved area for vehicle parking with the site bounded by a mixture of brick walling, flint walling and closed panelled fencing.

Proposal

The application seeks the removal of a 3.5metre length of a 2.8 metre high brick wall and an adjoining 8 metre length of 1.8 metre tall closed boarded fencing, which form the boundary with the adjoining residential development known as The Orchard, to allow, following the removal of an existing ash tree, the construction of new length of curving brick walling that would be 550mm high with a raised area of planting behind, with a new length of close boarded fencing along the 'true' site boundary line at the rear of the raised planted area.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Kings Langley Parish Council.

Planning History

4/02578/15/FU ALTERATIONS TO THE LISTED CURTILAGE BOUNDARY
L WALLING AND CONSTRUCTION OF NEW FENCING TO FORM
NEW LANDSCAPED AREA FOLLOWING THE REMOVAL OF 1
NO. COMMON ASH TREE

4/02331/14/TC ASH (T1) - FELL AND REMOVE ROOT BALL BECAUSE OF
A STRUCTURAL DAMAGE TO RETAINING WALL TO CARPARK.

Policies

National Policy Guidance

National Planning Policy Framework (NPPF)
Circular 11/95

Adopted Core Strategy

CS27 - Quality of the Historic Environment

Saved Policies of the Dacorum Borough Local Plan

Policy 119

Summary of Representations

Kings Langley Parish Council

'The Council stands by its previous objection listed below and would be disappointed if the tree which has a TPO listing is felled. The Council OBJECTS to the application because it is the only tree in this part of the Conservation Area and that the case submitted for its removal is not considered to be very strong; the Council is also concerned for the loss of wildlife.'

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

No comments received.

Considerations

Policy and Principle

Policy CS27 of the Dacorum Core Strategy requires new development to be respectful if the integrity, setting and distinctiveness of designated heritage assets that are to be protected, conserved and where appropriate enhanced.

Effects on appearance of building

The brick boundary walling physically abuts the listed building, as such alterations to the wall require the need for consent. This boundary wall is clearly modern and is understood to have been built in the 1990s when the premises were converted into offices and an area for car parking was formed to the side of the property. The walling and the fencing are therefore of no historical or architectural importance.

A structural survey undertaken in July 2014 by Smithers and Purslow reported that beyond the 2.8 metre boundary wall, to the car park, there was an area of retained soil to a height of approximately 1.20 metres. This area of retained land contains an ash tree, which an accompanying tree survey report describes as being semi-mature with a 700mm stem diameter and overall height of 15 metres. It is noted the tree is the

subject of a Tree Preservation Order, however for the purposes of determining this application this is not a consideration. The structural survey identified the boundary wall had a lateral crack running through part of it with there being an outward bow to the walling, such that the wall was considered to be in a potentially dangerous condition and has been shored up with timber propping. Furthermore the report notes that the block pavers of the car park in the vicinity of the wall and fencing had been disturbed. The conclusion reached in the report is that damage to the wall and pavers has been caused by the ash tree behind the wall, with the recommendation that the tree be removed and the damaged walling taken down and rebuilt.

It is noted the parish council have raised an joint objection to this application and the corresponding application for planning permission, which has been duly noted. However it should be noted for the purposes of determining this application for Listed Building Consent the issue concerning the removal of the tree is not a material consideration. The sole considerations can be the impact of the proposed works on the listed building and its setting.

Conclusions

The proposed low level wall, which is to be in a brick to match that of the existing walling, and the fencing are considered to be of an approximate materials and form, in keeping with that already existing on site. As such the proposed boundary treatment works are considered to have no discernible adverse impact on the setting of the listed building. In summary the application is considered to comply with policy CS27 of the Dacorum Borough Core Strategy and national guidance.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 The works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.**

Reason: To comply with section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 2 The materials and finishes of the hereby approved section of new boundary walling shall match, in terms of the bricks, mortar mix and brick bond, the size, colour, and texture of the existing walling,**

Reason: To safeguard the character and appearance of the Listed Building in accordance with Policy CS27 of the adopted Dacorum Core Strategy.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:**

Project No. MKBS467; Drawing No.01
Project No. MKBS467; Drawing No.02
Project No. MKBS467; Drawing No.03
Project No. MKBS467; Drawing No.04
Project No. MKBS467; Drawing No.05

Project No. MKBS467; Drawing No.06

Design & Access Statement

Reason: For the avoidance of doubt and in the interests of proper planning.

Article 31 Statement

Listed building consent has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.