
Appeal Decision

Site visit made on 1 December 2016

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th January 2017

Appeal Ref: APP/J1915/W/16/3157439

Land adjacent 14 New Road, Ware, Hertfordshire, SG12 7BS

- 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 made by Mr M J Warner against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/0531/FUL, dated 3 March 2016, was refused by notice dated 21 April 2016.
 - The development proposed is construction of two 3 bedroom dwellings.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) Whether the development would preserve or enhance the character or appearance of the Ware Conservation Area;
 - (b) The effect of the development on the setting of the Grade II Listed Maltings buildings; and
 - (c) The effect of the development on the living conditions of future occupiers with regard to access to private amenity space.

Reasons

Conservation area

3. The appeal site is located within the Ware Conservation Area, which comprises the historic core of the town. The conservation area is well defined and contains a concentration of historic buildings that mostly date from the 16th to 19th centuries. The malting industry was important to the historic development of Ware and during the 18th and 19th centuries it was amongst the most important towns in the country for this industry. The conservation area appraisal places the appeal site within Identity Area 3. This area includes concentrations of non-listed buildings of architectural and historic interest. In this regard, the Victorian cottages at Nos 9 - 25 New Road, located opposite the appeal site, are identified in the conservation area appraisal as making a positive contribution to the area.
 4. The proposal would involve a reduction in height to the boundary wall fronting onto New Road. This is a currently around 2 metres high, and is positioned at
-

the back edge of the pavement. The Council state that the loss of part of this wall is not justified in the context of the current proposal. However, I note that the approved scheme to convert the Central Maltings to residential use (ref 3/13/1682/FP and 3/13/1683/LB) already provides for a reduction in height to this wall. The wall is therefore likely to be removed in any event, and this appears to be necessary in order to provide a safe access for the residential conversion of the Central Maltings.

5. I consider that the proposed set back of the dwellings from the road would be acceptable in this case, given that the majority of properties along this part of New Road are located at the back edge of the pavement.
6. However, the proposed dwellings would be of a modern, suburban design, and would be tall in comparison to other properties along this part of New Road. They would also be prominent in views along the street from the north. The design and height of the dwellings would be at odds with nearby properties including the Victorian cottages opposite. In particular, the front elevations would poorly relate to the surrounding area, and the rear facing dormers would be unattractive features that would be located too high up the roof slope. Accordingly, the development would not represent good design and would appear out of keeping with the character and appearance of the area. Whilst there is some variation in the built form in this location, that would not justify a development with these shortcomings.
7. I conclude that the development would fail to preserve the character and appearance of the conservation area. This harm would be 'less than substantial' in the context of paragraphs 133 and 134 of the National Planning Policy Framework ('the Framework'). I return to the balancing exercise required by paragraph 134 in my conclusion, below.
8. For the above reasons, I conclude that the development would be contrary to Policies ENV1, HSG7, and BH6 of the East Herts Local Plan Second Review (2007).

Setting of the listed buildings

9. The Grade II listed former Maltings buildings are located to the rear of the appeal site. These are imposing structures of early 19th century construction that reflect the industrial history and architecture of Ware. They are attractive 3 storey buildings that contain malt stores at the eastern ends.
10. The appeal site is located in close proximity to the western elevations of all 3 Maltings buildings. As set out above, approval has already been granted to reduce the height of the existing boundary wall. Accordingly, views of the Maltings from New Road will be improved, and these buildings will have a greater presence in the street. In this context, the proposed dwelling would obscure both existing views of the Maltings and those views that will result from the lowering of the boundary wall. This would negatively affect the way they are experienced from New Road.
11. In addition, a number of the design issues I have identified above would have a bearing on the setting of the listed building. The excessive height of the dwellings, and the poorly designed rear dormers would result in an unsympathetic elevation facing the listed buildings. This would be prominent to occupiers of, and visitors to, the Maltings. In addition, the deep side

elevation of the proposed dwellings would reduce the attractiveness of the approach to the Maltings buildings from the west along the adjacent access route.

12. For these reasons, I conclude that the appeal proposal would harm the setting of the Grade II listed Maltings buildings. This harm would be 'less than substantial' in the context of paragraphs 133 and 134 of the Framework. I return to the balancing exercise required by paragraph 134 in my conclusion, below.

Living conditions

13. The proposed dwellings would be served by amenity areas to the rear. The location of the parking spaces would restrict the size of these amenity areas, particularly to the southernmost dwelling.
14. The proposed dwellings would each contain 3 bedrooms, and would therefore comprise family accommodation. Whilst there are no local standards that specify a minimum garden size, the adequacy of the amenity areas is clearly pertinent to the living conditions of future occupiers. In my view, the amenity space for the southernmost dwelling would be unacceptably small and inadequate to meet the needs of a family. Whilst the appeal site may be relatively close to nearby parks and open spaces, such facilities are not a substitute for private and secure garden space for family use.
15. I conclude that the development would have an unacceptable effect on the living conditions of future occupiers with regard to access to private amenity space. The development would therefore be contrary to Policy ENV 1 of the East Herts Local Plan Second Review (2007).

Other Matters

16. The appellant states that the Council has not demonstrated a 5 year supply of housing land. The Council has not responded to this point, and neither party has provided detailed evidence regarding the current position. In these circumstances, it is not possible to conclude whether the Council is able to demonstrate a 5 year supply. In any event, the appeal site is located within a conservation area. In this regard footnote 9 to paragraph 14 of the Framework identifies designated heritage assets as being subject to specific policies in the Framework that indicate development should be restricted.
17. A letter of support for the development was submitted by the Northern Maltings Residents Association. However, letters of objection were also received from local residents, and from the Town Council and the Ware Society. In these circumstances it appears that the proposal has divided local opinion.
18. There is a dispute as to whether the appeal site has been identified as an amenity space for the future occupiers of the Central Maltings. The full details of the previous permissions (ref 3/13/1682/FP and 3/13/1683/LB) are not before me, and it is therefore unclear how this land was envisaged to be developed. However, as I have found that the appeal fails against the main issues, this matter is not determinative in this case.
19. Pedestrian access to the dwellings would be provided directly onto New Road. Gates to connect the parking spaces to the rear gardens of the proposed

dwellings could have been installed to limit the use of the side access route. This could have been secured by condition.

20. I note that the Highway Authority considers that the provision of 2 spaces would be acceptable in this case. Given the proximity of the site to Ware Town Centre and Railway Station, I see no reason to take a different view.

Conclusion

21. I have concluded above that the development would cause less than substantial harm to both the conservation area and the setting of the Grade II Listed Maltings buildings. Set against this, the development would provide 2 dwellings in an accessible location that would contribute towards the supply of housing in the Borough. However, this would be a relatively modest public benefit that would not outweigh the harm I have identified. Accordingly, the development would not accord with guidance in the Framework relating to designated heritage assets.
22. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR