
Appeal Decision

Site visit made on 9 January 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 30 January 2017

Appeal Ref: APP/N1920/W/16/3157159

Ivy House, 35 High Street, Bushey, Hertfordshire WD23 1BD

- 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 Mrs S King against the decision of Hertsmere Borough Council.
 - The application Ref 15/1525/FUL, dated 25 August 2015, was refused by notice dated 3 March 2016.
 - The development proposed is the demolition of rear two storey building (currently class B1 office) and single storey link to Ivy House and construction of 3 x 3 bed residential town houses to include accommodation within the roof space and parking court to rear of Ivy House.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In November 2016 the Council adopted the SADM Plan¹. The policies in this document replaced the policies in the previous Local Plan referred to on the decision notice. I have therefore considered the SADM policies in my decision below, although I note the numbering of the policy concerning Heritage Assets has altered. Both parties are aware of this change and have referred to it in their statements.

Main Issue

3. The main issue in this case is whether the proposal would preserve the special architectural and historical interest of the Grade II listed building.

Reasons

4. Ivy House is an imposing 2 storey red brick property with a 7 bay façade, which appears to have been built in three phases with the original central block dating from around 1680 or the early 18th century according to the listing. The property has noticeable detailing including gothic tracery to a fanlight above the bracketed front door case, gauged brick flat arched heads to windows and dentilled brick eaves. The property has a double span hipped roof. To the rear there is a low single storey hipped roof corridor link to an extension built in the 1980s, constructed in red brick with a deep tiled roof and 4 flat roofed dormer windows. Ivy House faces directly onto the High Street with the right return and 1980s extension fronting onto the smaller road of Kemp Place. As well as

¹ Hertsmere Local Plan Site Allocations and Development Management Policies Plan November 2016

its frontage at the heart of the High Street, the setting of Ivy House also encompasses the land to the rear of the site along Kemp Place, including both the site itself and surrounds.

5. Bushey High Street Conservation Area (BCA) is a fairly large conservation area, including areas of differing character and age. As its name suggests, it is centred on the middle of the town and comprises of residential and commercial properties. Historic buildings and their façades, as well as views along the High Street and the various subsidiary feeder streets all contribute to the character of the area. The appeal site lies at the heart of the BCA, where development is set in a close knit fashion onto the highway edges.
6. Policy CS14 of the Core Strategy² and Policy 29 of the SADM together state that applications will be considered in accordance with the National Planning Policy Framework (the Framework) and that the Council will not permit proposals which fail to protect, conserve or where possible enhance the significance, character and appearance of heritage assets. The Planning (Listed Building and Conservation Areas) Act 1990 (the Act) requires special interest to be given to the desirability of preserving a listed building and any features or architectural interest it possesses, and that when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting. Section 72(1) of the Act states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
7. The proposal would demolish the 1980s extensions to Ivy House, constructing three terraced houses to the rear of the plot. The two and a half storey homes would be set back to allow 1 car parking space to the front of each house, with adequate space remaining at the rear of the properties for back gardens. A car parking area for Ivy House would be provided at the back of the listed building, with a small garden/amenity area also provided.
8. The height of the houses would be very similar to the existing extension, with the hipped roof, although having higher eaves, blending in well with the design of Ivy House. The removal of the link and closer extension would also have the benefit of allowing Ivy House to be read on its own. However, the existing 1980s building is reasonably well designed and clearly has regard to the original building, remaining fully subordinate but keeping key features such as materials and siting in its design. Whilst its removal would not harm the listed building, I do not consider that it would necessarily improve the listed building or its setting, nor enhance the conservation area.
9. The appellant considers that the arrangement of the development improves the setting of the heritage asset by opening up views from the south. However, the proposed layout, with car parking spaces to the front would appear out of place in the area which is dominated by properties constructed up to the highway edges, including Ivy House. This is different to the creation of a single access point and would look out of place, appearing overly suburban in a town centre context, causing harm to the setting and therefore the significance of the listed building. I am also duty bound by the Act to consider any effect on the BCA, and consider that, for the reasons given above, the proposal would

² Hertsmere Local Plan Development Plan Document Core Strategy January 2013

also cause harm to the appearance of the BCA to which the host building forms an important part of.

10. The Council have concerns over the subdivision of the plot, considering this could make it more unlikely that a viable use would be found for Ivy House in the future and removing flexibility over future uses. However, whilst less car parking would be provided for the offices due to the proposal, less floorspace would also be available due to the demolition of the fair sized two storey extension. Moreover, an unrestricted free car park exists at the back of the plot and I do not consider therefore that a lack of car parking would likely limit the use of the building any more than the current arrangement does. I note the concerns over the subdivision of the curtilage of the heritage asset. However, this has clearly changed over time and, whilst not necessarily altering curtilage, was also affected by the 1980s extensions and attendant car parking on the former garden area.
11. The Framework states that when considering the impact of a proposed development on the significance of a listed building, great weight should be given to its conservation. For the reasons given above, I consider the proposal would result in harm being caused to the setting, and thus to the significance of the listed building and would neither preserve nor enhance the character and appearance of the Conservation Area. However, due to the lack of impact upon the historical fabric of the building I consider in this case that the degree of harm caused would be less than substantial.
12. In such situations this harm should be weighed against the public benefits of a proposal. The scheme would provide economic and social benefits in the form of the construction of three new dwellings and the occupants which would fill the houses. Reference is also made to the proposed development generating funds in the short term to help support the future re-use and preserve the listed building. However, I have no evidence of a shortage of housing in the area, and there is no mechanism proposed to guarantee that funds from the new build would be used on the listed building. I do not consider therefore that public benefits exist so as to outweigh the adverse effect of the proposal and are insufficient to outweigh the harm caused. Furthermore, an alternative scheme may be possible which would have similar benefits without the same degree of harm.
13. I therefore conclude that the proposal would not preserve the special architectural and historical interest of the Grade II listed building. The scheme would conflict with the Framework and Core Strategy Policy CS14 and SADM policy 29. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should fail.

Jon Hockley

INSPECTOR