



Appeal Decisions

Site visit made on 18 July 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 28th July 2017

Appeal A Ref: APP/A1910/W/17/3170461

69A Old Palace Lodge, Langley Hill, Kings Langley, WD4 9HQ

- 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 Ben Sterling against the decision of Dacorum Borough Council.
 - The application Ref 4/03387/16/FHA, dated 12 December 2016, was refused by notice dated 7 February 2017.
 - The development proposed is described as '*second storey extension, internal works, and new fencing*'.
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Appeal B Ref: APP/A1910/Y/17/3169118

69A Old Palace Lodge, Langley Hill, Kings Langley, WD4 9HQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Ben Sterling against the decision of Dacorum Borough Council.
 - The application Ref 4/03388/16/LBC, dated 12 December 2016, was refused by notice dated 7 February 2017.
 - The works proposed are described as '*second storey extension, internal works, and new fencing*'.
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Decisions

1. Both Appeal A and B are dismissed.

Main Issues

2. The main issue for both appeals is whether the proposed alterations would preserve the building, its setting, or any features of special architectural or historical interest it possesses.

Reasons

3. The appeal building is a Grade II listed building¹ located on Langley Hill. It is situated within a conservation area and is a semi-detached property dating from around the late 18th Century with later 19th and 20th Century additions. The front elevation has fairly symmetrical appearance through the use of features matching materials and finishes. Contrarily, the rear elevation is viewed in two main parts; firstly the older late 18th century part to the right and the 19th century element to the left, as viewed from the rear garden. This

¹ The decision notice refers to the building being Grade II* listed. The cases presented by the main parties indicate that it is Grade II listed. In either case, this does not alter consideration of the planning and heritage matters.

separation is emphasised by the different roofing materials, roof styles and elevation treatments between these two principal elements.

4. I saw that there has recently been a very large single storey extension added to the rear of the building to provide a kitchen, utility and day room areas; the latter of which lead out through sliding/folding doors onto a gravelled seating area. This extension has a crown style roof, upon which the proposal seeks to erection a first floor extension.
5. Even with this rear extension it is possible to see from the rear garden the different stages of the buildings evolution. For example from the rear garden one is able to see the break between the different parts of the building and features such as the oriel window that serves a WC and bedroom in the Victorian part of the building. It is from being able to clearly see the differences in the architectural styles, and in particular the dichotomy between the 18th and 19th century elements, from which part of the significance of the listed building, as a designated heritage asset, derives.
6. The appeal scheme seeks a number of alterations, including the erection of a rear first floor extension. This would have a hipped roof form, without windows in the flank elevations, and two windows located in the rear elevation. It is clear from drawing *PE1 –Proposed elevations* that this extension at first floor level would add significant bulk to the rear elevation of the property in terms of its width, depth and two storey height. What is more, it would obscure much of the existing rear elevation, and through the use of a render finish, as indicated on the application form, try to replicate the late 18th Century part of the building, whilst feeding off the 19th Century element.
7. What is more, it would result in the removal of the oriel window – by moving it elsewhere on the site. Not only would this erode the evolutionary character of the building but it would also lead to a misrepresentation of the buildings evolution and make it harder for future generations being able to see how it has evolved. I note that it is proposed to use this window elsewhere on the building (on the recent 20th Century rear extension), and it is clearly preferable to re-use historic features wherever possible, but I do not find that this provides justification in itself for changing the context of where the window is currently within the building.
8. Not only would the sheer size of the first floor extension detract from the external aesthetics of the building, but it would obscure the dichotomy of the rear elevation which makes an important contribution to the significance of the listed building. The proposal would therefore result in a negative impact in this respect and in doing so fail to preserve the special interest of the listed building.
9. In respect of the internal works, in the main these are sought to facilitate the external works. Given that I have found the external works to the listed building are unacceptable and that these changes would be hard to separate from the external works, I have not undertaken further assessment of the internal works which would rely upon the extension being acceptable.
10. In terms of the fence proposed, I understand that this would be constructed of Glass Reinforced Plastic (GRP). The Design, Access and Heritage statement submitted by the Appellant indicates that this would take the appearance of a brick wall finish. However, I have not been submitted with any details of what

it would look like, nor where it would be located on the appeal site itself. In the absence of such information I am not able to make any further assessment on its acceptability or otherwise. In any case, it does not alter my findings in respect of the first floor extension sought.

11. The appeal site is located within a conservation area. Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as amended (PLBCA) indicates that '*with respect to any buildings or land in a conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*'. The Council has not indicated that the proposal would fail to preserve or enhance the character or appearance of the conservation area. However, through the fact the proposal would result in a negative impact in terms of the large first floor rear extension and resulting external works, I find that the proposal would fail to preserve the appearance of the conservation area; albeit this is mainly restricted to an area not readily visible from the public realm.
12. I am required to give considerable importance and weight to the desirability of preserving listed buildings and conservation areas as set out in Sections 66(1)², 72(1) and 16(2)³ of the PLBCA. In this case I find that the proposal would result in less than substantial harm to the significance of the listed building and the conservation area in the context of Paragraph 134 of the *National Planning Policy Framework* (the Framework). Less than substantial harm does not equate to less than substantial planning objection.
13. Paragraph 134 of the Framework requires that this harm is weighed against the public benefits of the scheme. In this respect, whilst I note the private benefits for the appellant that may arise from the proposal, no public benefits have been suggested. I therefore conclude that the proposed development would fail to preserve the building or any features of special architectural or historical interest it possesses and that no public benefits have been cited which would outweigh this harm.
14. The proposal would therefore conflict with Policy CS27 of the *Dacorum Core Strategy 2013* and Policy 119 of the *Dacorum Local Plan 2004*, which, amongst other aims, seek to favour the conservation of heritage assets. It would also be contrary to the policies of the Framework, which beyond those already cited, include conserving heritage assets in a manner appropriate to their significance.
15. For the above reasons, and having taken into account all matters raised, both Appeal A and B fail.

Cullum J A Parker

INSPECTOR

² For planning applications

³ For listed building consent