
Appeal Decisions

Site visit made on 27 February 2018

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 5th March 2018

Appeal A Ref: APP/W1905/W/17/3181803
103 High Street, Hoddesdon, EN11 8TN

- 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 K Desai against the decision of Broxbourne Borough Council.
 - The application Ref 07/17/0501/F, dated 15 May 2017, was refused by notice dated 17 July 2017.
 - The development proposed is the demolition of existing store/office and erection of two storey rear extension to create new store/office with studio flat above. Existing flat roof removed and replaced with pitched roof.
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Appeal B Ref: APP/W1905/Y/17/3181805
103 High Street, Hoddesdon, EN11 8TN

- 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 Mr K Desai against the decision of Broxbourne Borough Council.
 - The application Ref 07/17/0502/LB, dated 15 May 2017, was refused by notice dated 19 July 2017.
 - The works proposed are the demolition of existing store/office and erection of two storey rear extension to create new store/office with studio flat above. Existing flat roof removed and replaced with pitched roof.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Procedural Matter

3. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.

Main Issues

4. The main issues are (a) whether the proposed works and development would preserve the grade II listed building or any features of special architectural or historic interest that it possesses and (b) whether the scheme would preserve or enhance the character or appearance of the Hoddesdon Conservation Area.

Reasons

5. The appeal property forms part of a row (Nos 99-103) which is grade II listed as a group. Dating from the 16th Century with later alterations dating from the 17th, 19th and 20th Centuries, the appeal property comprises of a 2-storey timber framed rendered and painted building, with a steeply pitched roof which has a slate covering to the front and hand made plain tiles to the rear. No 103 has been extended to the rear with a 2-storey modern flat roofed extension with uPVC windows and a single storey store and office which are rendered and painted. To the ground floor is a shop and there is residential accommodation above. Rear projections from the remainder of the group listed property comprise of single storey timber framed and brick additions, with steep pitched and tiled roofs.
6. To the rear there is a yard area, bounded by a tall brick wall. There are a number of separate modern outbuildings within the rear yard. A public car park is located adjacent to the site, to the rear of the public house to the south and there is an open passage way leading between the PH and to the side of No 99, giving access to High Street and the market place.
7. Hoddesdon is a small market town. The appeal property is located within the medieval core of the town adjacent to the market place and within the Hoddesdon Conservation Area (CA). This area contains a number of buildings of a wide range of types and ages, from the medieval to the present day. Taverners Way has a modern character with a number of new developments. The rear yard areas of historic buildings along High Street are discernible from Taverners Way.
8. Based on the above, I consider that the significance of the building is derived from its architectural and historic interest as a town centre commercial building. While the building has a number of phases of development, the presiding character is of a 16th Century timber framed building. The property also makes a positive contribution to the character of the CA as a 16th Century premises in the heart of the town.
9. The proposals comprise of the replacement of the existing rear flat roof with a pitched roof extension using clay tiles to match the existing rear roof. The existing single storey store/office would be demolished and related with a 2 storey office/store, with a studio flat to the second floor. This would be attached to the existing rear projection with the altered roof. The eaves height would be higher than host building, with a shallow pitch hipped roof with clay tiles and the walls would be rendered and painted. Window openings would be a mixture of single, double and triple casements, full length glazing and high level horizontal windows. Details of the proposed materials of these are not specified.
10. The appellant contends that, based on the listed building description, the heritage asset is the building at the front of the site, facing High Street and that the listing for the building does not include those structures behind it, either the section to have the new pitched roof or the building to be replaced. While these are clearly modern additions, the appellants assertions are incorrect as Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) states that any object or structure fixed to the building shall be treated as part of the listed building. As such, as per Section 16 (2) of the PLBCAA I am required to have special regard to the desirability of

preserving the building or its setting or any features of special architectural or historic interest which it possesses.

11. While the proposed works would not be visible from High Street, I consider that the scale, design and detailing of the proposed extension would not be consistent or sympathetic to the 16th Century architecture of the listed building.
12. The extension would be of a substantial size at around 12m in length. The replacement roof would be set down from the height of the roof of the main body of the building, but the new 2-storey extension would be of a similar height to the roof of the main body of the building. Design details such as the hipped roof form, the shallow pitch, and eaves height above the eaves of the existing building would be in stark contrast to the listed building with its steeply pitched roof and low eaves height. The proposed fenestration, in terms of its pattern, location and proportions would also add to the disparity. Its overall bulk, in combination with its design would dominate the rear elevation and would fail to respect the architectural qualities of the listed building.
13. The proposals would also be in stark contrast with the historic rear wings of the group listed building which are subservient in their height, width, length and general form. The proposed extension as a whole would sit much higher than the existing subservient rear projections and would also be incongruous in this regard.
14. The appellant considers that there would only be limited visibility from Taverners Way, and in the context of the rear of existings buildings with varied pitches and heights. However, due to the open nature of the rear yards, accessed from Taverners Way, and the public car park, views of the development, and particularly its scale and roof scape would be visible.
15. I accept that the existing modern additions to the building are poor quality and detract from its special interest. However, the presence of these structures would not provide an irresistible precedent for proposals which in themselves are harmful. I find that the development would not provide an enhancement to the rear of the building, and overall, the rear extension would represent an overbearing and highly incongruous addition which would harm the special interest of the listed building as a whole.
16. The incongruity of its design, bulk and scale would be markedly different to other buildings in the locality. Accordingly, the development and works would also fail to preserve the character and appearance of the CA.
17. In finding harm, I agree with the appellant that this would be quantified as less than substantial harm to the significance of the listed building and CA. The National Planning Policy Framework (the Framework) requires that great weight be given to the conservation of designated heritage assets. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal including securing its optimum viable use.
18. I note that public benefits relate to the provision of residential accommodation in a suitable location with access to services and facilities as well as improvements to the function and efficiency of the newsagent business. However, in light of the harm I have identified and the statutory tests as

imposed by the PLBCAA, I do not consider that these matters would outweigh the harm caused by the works and development.

19. Overall, I therefore find that there would be insufficient public benefit to offset the identified harm. Taking into account the particular circumstances and having carefully considered all the evidence, I therefore conclude that the works would fail to preserve the special architectural and historic interest of the Grade II listed building and CA. The development would be in conflict with Policies HD5, HD6, HD10, HD11, HD13 and HD14 of the Borough of Broxbourne Local Plan Second Review (2005) which set detailed design aims as well as seeking to conserve listed buildings and conservation areas.

Conclusion

20. For the reasons above, taking into account all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

C Searson

INSPECTOR