The Planning Inspectorate

Appeal Decision

Site visit made on 4 December 2018

by G Jenkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 May 2019

Appeal Ref: APP/A1910/W/18/3207782
Boxmoor Hall, St Johns Road, Hemel Hempstead, HP1 1JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
- The appeal is made by Mr and Mrs S Lardner against the decision of Dacorum Borough Council.
- The application Ref 4/02224/17/FUL, dated 11 August 2017, was refused by notice dated 29 January 2018.
- The development proposed is conversion of Boxmoor Hall into 6 residential units.

Decision

1. The appeal is allowed and planning permission is granted for the conversion of Boxmoor Hall into 6 residential units at Boxmoor Hall, St John's Road, Hemel Hempstead, HP1 1JR in accordance with the terms of the application, Ref 4/02224/17/FUL, dated 11 August 2017, subject to the conditions set out in the attached schedule.

Procedural Matters

2. I am aware that during the course of the planning application the scheme was modified from 7 residential units to 6. This was as a result of a deferral from the Council's planning committee at a meeting on 14 December 2017; whereby the Councillors requested a reduction in the number of flats be considered. The planning committee on 18 January 2018 then resolved to refuse the revised scheme. This appeal therefore relates to the amended proposal (6 residential units) and the revised plans as opposed to the original scheme submitted to the Council (7 residential units).

Main Issues

3. The main issues in this case are the effect of the proposed development on the provision of social infrastructure, having regard to the development plan; and the effect of the proposed development on the non-designated heritage asset in terms of the quantum of development proposed along with the amount of parking, facilities for refuse collection and amenity space provision.

Reasons

Social infrastructure provision

4. Boxmoor Hall is currently in use as a Class D2 use (assembly and leisure) and has been primarily used as a dance and performing arts facility since 2007 by the appellant, who has significant experience in this sector and whom has provided such a facility across the Borough for many years.

5. I have reviewed the Loss of Community Facility Statement submitted by the appellant. The appellant has continued to support this community facility and heritage asset using personal finances with no grant funding; during a difficult economic downtown and for a lengthy period of time.

6. It is evident that the cost of running the existing operations within a heritage asset such as Boxmoor Hall is very high and that the continued use would require a significant investment in the fabric of the building. I also accept that other more contemporary community facilities with free parking are likely to be more appealing for potential users to run their events from; all contributing to a detrimental effect on the profitability of the appellants existing business. There is also no substantive evidence before me that there are realistic alternative uses for the premises that fall within the existing lawful use.

7. I note that the appellant will continue to operate the dance and performing arts school from other studios within the HP1 and HP2 postcode areas and therefore the community benefit will remain within the Borough.

8. Whilst the Council may wish to see the community facility retained, it has not submitted any evidence or information that would contradict the appellant's Loss of Community Facility Statement. The evidence before me demonstrates that the community facility is no longer financially viable and is justification for its loss. I therefore conclude that whilst the proposal would result in the loss of existing social infrastructure, I am satisfied that it has been shown that the community facility is no longer financially viable. The proposal consequently accords with Policy CS23 of the Dacorum Core Strategy (2013) which seeks to protect existing social infrastructure unless specific criteria are met.

The effect of the development upon the non-designated heritage asset.

9. It has been established above that the financial upkeep of a heritage asset such as Boxmoor Hall is significant. Boxmoor Hall is not a Listed Building but is a building of historical significance and it is recognised by both parties as a non-designated heritage asset.

10. The development proposes to convert the existing architecturally significant non-designated heritage asset into 6 residential units, which would ensure the building is maintained and does not fall into a state of disrepair.

11. In addition, the proposals seek to re-instate some of the original features that have been lost through the passage of time. Bull nose steps to the front entrance door were an original feature of the hall, however, these have been removed at some point in the past. The proposal will also reinstate the circular window on the rear elevation of Boxmoor Hall, which will also help to regain the original appearance of the building, along with the removal of the more recent rear extension. In addition, the front gable clock will be repaired; an important design feature of the building.

12. The windows on the existing front elevation at ground floor level do not match the windows at first and second floor levels. The proposal will provide continuity to the appearance of the windows on the front elevation. The proposals also seek to retain the chimneybreast, proscenium arch and structural arches that support the roof. The proposed development would, consequently, secure a viable use for the building and assist in its future preservation.

13. It is evident that the proposed conversion of the building to 6 residential units will result in significant maintenance improvements to this undesignated heritage asset. The design will reinstate some of the original features that have been lost with the passage of time and as such the proposal will not only maintain the building but also significantly enhance it architecturally, benefitting the heritage asset itself and the wider character of the area. The revised scheme has been sensitively designed to provide 6 units over 3 floors within the existing building shell. All the proposed units meet the floorspace requirements set out in the Technical housing standards – nationally described space standards and respect the existing character of the building. As such the quantum of development is appropriate to the site.

14. The site falls within Hemel Hempstead Town Centre and therefore there is no doubt that this is a suitable location for new residential development in terms of transportation and accessibility to a wide range of facilities. The Council are concerned that the proposal provides an inadequate amount of parking. I note that the Highway Authority considered the location of the development to the town centre to lend itself well to low or zero off street parking, which also accords with Saved Policy 58 of the Dacorum Local Plan. The proposed conversion provides two car parking spaces and cycle stands. From what I saw on my site visit, I would agree with the view of the Highway Authority and consider the proposed car parking provision to be more than adequate for such a central location.

15. I also consider that the minimal amount of parking on site preserves the integrity, setting and distinctiveness of this heritage asset. A larger amount of on site parking would detract from the appearance and visibility of the front elevation and the aesthetic quality of the building.

16. The Council consider there to be a lack of residential amenity space. Core Strategy Policy CS12 does not provide any guidance on

acceptable standards of amenity space in development proposals and I accept that in central locations such as this and particularly in the case of conversions of older buildings the provision of amenity space is often challenging. I therefore accept that local recreation facilities such as the nearby 'Heath Park' can provide adequate outdoor space for residents. Furthermore, the living wall proposed at the rear boundary will provide a pleasant feature for residents with a rear outlook, as well as bringing biodiversity and ecological benefits to the scheme. Even if I were to agree that the residential amenity space provision in this scheme were substandard this would not outweigh the benefits that the proposal would bring to rejuvenating this otherwise deteriorating heritage asset and as such would not result in a sufficient reason to dismiss the appeal. Finally, future occupiers of the dwelling units would be aware of the level of provision of amenity space prior to purchase or occupation.

17. I note that following amendments to the scheme the provision of the refuse collection facilities was not considered by Council officers to result in any discernible harm sufficient to warrant refusal of planning permission. The Council now suggest that the accessible space around the building is severely constricted and will cause manoeuvrability problems for refuse vehicles. Nevertheless no substantive evidence has been provided to support this assertion. To this end, final details relating to this matter are capable of being addressed by a planning condition requiring the Council's approval of these prior to the first occupation of the building.

18. I therefore conclude that the proposed development would not cause harm to the non-designated heritage asset. It would comply with the relevant requirements of Policies CS12 and CS27 of the Dacorum Core Strategy (2013) which expect new development to .

Other Matters

19. I have noted the concerns of local residents and Councillors. I acknowledge the concerns that insufficient time has been given to respond to the grounds of appeal, however, the appeal procedure has been undertaken in accordance with the statutory guidelines and timeframes and I am therefore satisfied that the correct procedure has been adhered to. I also note that an extension of time was granted and therefore the appeal has not been procedurally defect.

20. I have considered all third party correspondence and whilst such apprehension is perhaps understandable to any form of development, there is a national requirement to boost the supply of housing and this is a suitable location that can accommodate a sensitively designed residential conversion to re-invigorate a deteriorating non-designated heritage asset. I note the concerns regarding the quantum of development, the heritage trail, parking and the children's hostel. The proposals will renovate this important deteriorating heritage asset, bringing the front gable clock back into use and whilst I accept the historic nature of the area is important, the passage of time brings about change to meet the needs of the community and I am mindful

that the area is not designated as a conservation area. I have found that the site lends itself to a car free development. Furthermore, the minimal car parking provision is beneficial to the integrity of the heritage asset. On the day of my site visit there did not appear to be a problem with excessive on street parking and I am, therefore, satisfied that Police cars should be able to continue to access the children hostel.

21. I acknowledge the concerns surrounding the loss of a community facility and the quantum of development; however, these matters have been addressed in detail above and from my site visit and the evidence before me there is no reason to dismiss the appeal on these grounds.

Conditions

22. I have had regard to the advice in the Planning Practice Guidance when considering the conditions suggested by the Council and amended these accordingly. These are set out in the attached schedule.

23. I have extended the standard time limit condition to 5 years to ensure sufficient time is provided to enable the extinguishment of highway rights as per condition 3. I have imposed conditions that require the development to accord with the approved plans in the interest of clarity and proper planning.

24. Conditions relating to details of the site frontage layout are necessary in terms of achieving adequate access, parking provision, cycle stands and maintaining highways and pedestrian safety. I have combined the Councils suggested conditions, 2 and 3 which form condition 4 here, to make the conditions more concise.

25. The Construction Management Plan condition aims to maintain highway safety and the living conditions of neighbouring residents, I have reworded the Councils proposed condition for clarity.

26. The condition relating to drainage pipes, roof lights and the front gable clock are required to conserve the non-designated heritage asset and in the interest of the character and appearance of the building. I have added they be retained thereinafter to maintain the character and appearance of the building.

27. The condition relating to drainage is necessary in the interests of the local environment and highway safety.

28. I have attached a condition relating to the proposed boundary treatments to ensure that these are in place prior to first occupation of the dwellings, in the interest of providing high quality living conditions for future occupiers and it seeks to ensure there is no detriment to the character and appearance of the area.

29. The conditions relating to bat mitigation are necessary from an ecological perspective to protect the species and maintain biodiversity.

30. The conditions relating to refuse and window treatments are necessary to ensure the living conditions of future occupants are satisfactory. Condition 11 requires that the obscured glazing be agreed with the council prior to installation to ensure the obscure glazing will be in keeping with the characteristics of the non-designated heritage asset.

31. The condition relating to the Living Wall is necessary to maintain biodiversity and enhance the living conditions of future occupiers.

32. Conditions 3, 4 and 5, which prevent the development approved by the planning permission from commencing until they have been complied with, are fundamental to the development hereby approved. It is necessary for them to take the form of 'pre-commencement' conditions in order to have their intended effect.

33. Whilst the Council have suggested that conditions are necessary in respect of contamination, there is no substantive evidence to suggest that there is potential for contamination from the previous use of the site. In the absence of such evidence the condition(s) are not necessary.

Conclusion

34. For the above reasons and having considered all the matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be allowed.

Gemma Jenkinson

INSPECTOR

Schedule of Conditions

Appeal Ref: APP/A1910/W/18/3207782

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:[insert plan numbers]

    - Drawing No: 208-SK001J - Proposed Floor Plan and Site Location Plan
    - Drawing No: 208-E001A - Existing Plans and Elevations
    - Drawing No: 208-SK001M - Proposed Floorplans
    - Drawing No: 208-SK002K - Proposed Elevations
    - Drawing No: 208-SK003J - Proposed Elevations and Street Scene
    - Drawing No: 208-SK004E - Existing floor plans
    - Drawing No: 208-SK004H - Topographical Plan
    - Drawing No: 208-SK010C - Proposed Sections
    - Drawing No: 208-SK010F - Proposed Sections
    - Drawing No: 208-SK005 - Existing and Proposed Boundary Treatments

3. The development shall not commence until the land at the site frontage required for the provision of the access ramp, stepped entrance, 2 parking spaces and cycle stands has been subject to the separate extinguishment of highway rights.

4. The development shall not commence until a detailed layout plan showing the layout of access ramp, stepped entrance, parking spaces and cycle stands on the site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the building is occupied. The agreed parking spaces shall thereafter be kept available for the parking of vehicles at all times.

5. No development hereby permitted shall commence until a Construction Management Plan is submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- specify the type and number of vehicles;
- provide for the parking of vehicles of site operatives and visitors;
- provide for the loading and unloading of plant and materials;
- provide for the storage of plant and materials used in constructing the
- development;
- provide for wheel washing facilities;
- specify the intended hours of construction operations;
- measures to control the emission of dust and dirt during construction

6. The access ramp, parking spaces, cycle stands and pedestrian access shall not be brought into use until details of the drainage design for these is submitted to the local planning authority. The drainage shall be installed and thereafter retained and maintained fully in accordance with the approved details prior to the construction of the access ramp, stepped entrance, parking spaces and cycle stands.

7. All new external rainwater and soil pipes shall be formed in metal and painted black and all the rooflights shall be of a conservation type. Details of the type of pipes, paint and rooflights shall be submitted to and approved in writing by the Local Planning Authority before they are installed and once installed they shall be retained thereafter.

8. Full details of the living wall shall be submitted to the Local Planning Authority prior to first occupation. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the development hereby permitted. Any trees or plants, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

9. All the approved boundary treatment as per Drawing No. 208 – SK005 shall be installed prior to the first occupation of any part of the development and thereafter the approved boundary treatment shall be retained at all times.

10. All the windows of the development hereby permitted shall be installed with glazing to limit noise transmission fully in accordance with details submitted to and approved by the Local Planning Authority.

11. The development hereby permitted shall not be occupied until all bathroom windows and all other windows identified on the plans to be obscured have been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local planning Authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.

12. Prior to the first occupation of any of the dwelling units the approved facilities for the storage of refuse shall be agreed with the Council, installed and thereafter shall be retained at all times.

13. Prior to the first occupation of any of the dwelling units details of all exterior lighting to be installed shall be submitted to and approved in writing by the Local Planning Authority. The approved exterior lighting shall be installed and thereafter retained at all times.

14. Two bat boxes shall be installed at the site fully in accordance with the submitted Bat Survey Report. Thereafter all these bat boxes shall be retained at all times.

15. All the other bat mitigation measures shall be carried out fully in accordance with the submitted Bat Survey Report and no works to the building which will cause disturbance to bats or their roost should be undertaken until the Local Planning Authority has been provided with a copy of the licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity / development to go ahead.

16. Within 6 months of the first occupation of the development hereby permitted the developer shall submit to, and have approved in writing by, the local planning authority a Management Plan for the building's future maintenance of the front gable clock. Thereafter the maintenance of the clock shall be carried out in accordance with the approved Management Plan.