



Appeal Decisions

Site visit made on 11 June 2019

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2019

Appeal Ref: APP/J1915/W/18/3206766

46 West Street, Hertford SG13 8EZ

- 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 Steve Tucker and Mrs Emma Tucker against the decision of East Hertfordshire District Council.
 - The application Ref: 3/18/0863/HH, dated 16 April 2018, was refused by notice dated 11 June 2018.
 - The development proposed is demolition of existing single storey rear building and erection of a single storey extension with hipped roof in its place.
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Appeal Ref: APP/J1915/Y/18/3206773

46 West Street, Hertford SG13 8EZ

- 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 Steve Tucker and Mrs Emma Tucker against the decision of East Hertfordshire District Council
 - The application Ref: 3/18/0864/LBC, 16 April 2018, was refused by notice dated 11 June 2018.
 - The works proposed are demolition of existing single storey rear building and erection of a single storey extension with hipped roof in its place.
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Decision

1. The appeals are dismissed.

Preliminary Matters

2. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). When considering whether to grant listed building consent I have had special regard to the provisions of section 16(2) of the Act.
3. Since the Council's original decisions to refuse planning permission and listed building consent the East Herts District Plan October 2018 (the District Plan) has been adopted. Therefore, in determining the current appeals I have given full weight to the policies within the up to date development plan document.
4. I understand that during the application process a revised drawing was submitted to the Council, but this is not referred to in the Council's decision notices. For the avoidance of doubt I have determined these appeals on the basis of the plans on which the Council refused the applications.

Main Issues

5. The main issues are whether the proposal would preserve 46 West Street which is part of a Grade II listed terrace, and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Hertford Conservation Area.

Reasons

6. The appeal building is part of 40-46 West Street and was first listed in 1996. It is one of a terrace of four houses which dates back to the mid-eighteenth century. It is constructed of yellow-brown stock brick with Flemish bond, a Welsh slate roof, three brick chimney stacks and cream terracotta pots with cowl tops.
7. The building is three storeys with a six bay front. The first floor has four recessed sash windows, with six pane divided glazing beneath segmentally cambered rubbed brick flat arches, with two smaller intermediate sashes above the ground floor doors of Nos 42 and 44. There are four windows on the front elevation at second floor level. At ground floor level there are four large six pane sash windows and the door at Nos 40 and 46 are situated at the extreme right and left of the terrace respectively. The entrance door has a stucco surround and a single stone stepped threshold. There is a less measured rear elevation which is typical of dwellings of this period. It has a rather ordinary outshut which together with the adjacent yard provides a functional area with additions. The simplicity of these, in design and materials, is significant in demonstrating that role of it being a subservient part of the terrace.
8. The special interest of this building lies in it being a part of a fine mid-eighteenth terrace of residential properties. Although it has been extended and altered over time over time, it has been altered in a generally sympathetic way and retains its special historic and architectural interest, the alterations forming an integral part of the history of the building.
9. The site is situated in the Hertford Conservation Area. This part of the Conservation Area is dominated by listed buildings including those of a domestic scale at the eastern end of West Street, including the appeal property. The buildings in this locality are characterised by impressive historic frontages with subservient rear elevations with associated outshuts, additions and alterations. The building is also situated within an Area of Archaeological Significance.
10. The proposal is to demolish the existing single storey rear outshut and to replace it with a single storey rear extension. It would be relatively modest in scale and would extend across the width of the existing dwelling to fill a relatively small area of land between the existing kitchen and WC and the boundary wall with No 44. The extension would incorporate a shallow hipped roof with four roof lights and would have materials to match the existing external materials.
11. The proposed roof is relatively shallow in relation to the existing roof slope. I have taken account of the appellants' comments with respect to the design process, the difficulties in designing a suitable roof on the historic building and the presence of other hipped roofs in the vicinity of the site. However, the

shallow hipped roof form would be rather convoluted and unsympathetic to the design of the host property. Although the appellant contends that the angle of the proposed roof slope would be difficult to discern against the angle of the existing property, the angle and the hipped roof design would create an uncomfortable form at odds with the characteristic roof slope on this historic residential property. In addition, the four roof lights, the size and location of which would add undesirable visual clutter to the roofscape, would detract from the relative simplicity of the building, including its later alterations and extensions. The convoluted roof form and roof lights are at odds with the simple rear additions that form the rear of this part of the listed building.

12. Consequently, I find that the proposal would fail to preserve the special interest of the listed terrace. Paragraph 193 of the Framework advises that when considering the impact on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
13. Section 72 of the Act requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Due to the position of the extension on the rear of the property and within a relatively confined rear garden setting it is unlikely that the extension would be prominent from public or private views other than those experienced within the immediate surroundings of the property's garden. Indeed, the appellants have stated that the extension would only be seen from a few adjoining rear gardens and not from public views. However, given the harm to the historic and architectural interest of the building and the poor relationship of the proposal to the listed building, it cannot reasonably be argued that the works would preserve or enhance the character or appearance of the Conservation Area and the historic character of the rear elevation of the listed terrace. As such, I conclude that the proposal would fail to preserve the character and appearance of the Hertford Conservation Area.
14. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The proposal would improve the living accommodation for the occupants. I have also taken account the benefit the improvement to the accommodation would have for the housing stock of the area. However, it is clear to me that the proposal would have only very limited public benefit.
15. I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building. Moreover, the benefits of the proposal do not outweigh the harm identified. The proposal fails to satisfy the requirements of the Act, paragraph 192 of the Framework and conflicts with Policy HA7 of the District Plan, which among other objectives seeks to sustain and enhance the significance of listed buildings and that extensions to listed buildings will only be permitted where there would be no adverse effect on the architectural and historic character or appearance of the exterior.

Other matters

16. My attention has been drawn to a previous scheme that could not be implemented because planning permission was refused due to the effect on the living conditions of the occupants of an adjoining residential property, No. 44

West Street. I have also noted the conditional agreement with the neighbours to the construction of the proposed rear extension. However, I find that the ability to overcome the planning concerns referred to above is not sufficient to outweigh the harm I have identified.

Conclusion

17. For the above reasons and having regard to all other matters raised and the development plan as a whole I conclude that the appeals should be dismissed.

A A Phillips

INSPECTOR