
Appeal Decision

Site visit made on 8 April 2021

by R Bartlett PGDIP URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 May 2021

Appeal Ref: APP/J1915/W/20/3251556

St Michael's Masonic Hall, Springfield Court, Hadham Road, Bishop's Stortford, CM23 2QT

- 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 Trustees of St Michael's Lodge against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/2002/FUL, dated 1 October 2019, was refused by notice dated 20 November 2019.
 - The development proposed is Demolition of a Non-Designated Heritage Asset located within a conservation area and the erection of a two storey high building, in the form of a Victorian Villa containing 4no. one bed apartments and 2no. two bed apartments.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the Bishop's Stortford Conservation Area and on the living conditions of occupiers of residential properties to the east and west of the proposed new building.

Reasons

Character and appearance

3. The site lies within the Bishop's Stortford Conservation Area (CA) and comprises a late 19th century gothic revival building with a much later single storey flat roof extension to the rear. There is a tarmac driveway to the side of the building and tarmac parking areas to the front and rear. Boundary treatment is a mixture of walls and fencing with some limited vegetation. The building was originally built and used as a chapel to the former Grammar School, which was demolished in the early 1980's and replaced with the three storey flat roofed apartments known as Springfield Court. The former chapel was used as a Masonic Hall from 1934 to 2019 but is now redundant. The surrounding area is predominantly residential and comprises a wide variety of building styles, types, ages, scale and materials.
4. It is undisputed that the existing building is a non-designated heritage asset (NDHA). Indeed the appellants describe the building as this in their description of development on their application form. A heritage asset is by definition, a

- building identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest.
5. Paragraph 184 of the Planning Policy Framework (the Framework) states, in relation to all levels of assets, that *"These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."*
 6. Paragraph 197 of the Framework states that *"In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."* In this case it is proposed to demolish the asset in its entirety and accordingly the scale of harm or loss would be substantial, notwithstanding the fact that its existence could be recorded and archived.
 7. In addition to the loss of a NDHA, the site also forms part of a CA, which is a designated heritage asset. There is a statutory duty under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.
 8. Paragraph 201 of the Framework requires the loss of a building, which makes a positive contribution to the significance of a conservation area, to be treated as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate.
 9. It is acknowledged that not all elements of a CA contribute to its significance, for example the modern apartment buildings located on either side of the appeal site. However, the building in question is accepted by all parties as being a NDHA. It is therefore, by definition, of some significance for its heritage interest. Constructed in 1893 the building is irrefutably historic and historic buildings irrefutably play a large part in making up the character and appearance of the CA. It is my view that the existing building, although not special enough to be listed, does due to its age, design, architectural detailing, materials and condition, make a positive contribution to the character and appearance of the CA. This view is reinforced by the recognition of the building as one which should be protected from demolition on the Bishop's Stortford Conservation Area Appraisal Management Plan (Adopted December 2014) and by the views of the Council's professional officers, consultees and local residents. However, its significance is low, as demonstrated by its non-designated status.
 10. I have had regard to the fact that the existing building is in need of some repair and refurbishment, the cost of which is estimated by the appellant to be £150,000. No evidence has been provided as to how this sum has been reached or what end use it is based upon. Clearly the nature, cost and viability of the works required will be dependent upon the end use/end user(s). The appellants have confirmed that the building is no longer fit for their own purposes and that alternative premises have been found. Permission is not sought for a new Masonic Hall it is sought for residential development and accordingly the cost of renovating the building to meet the needs of the Trust, which no longer exist, is somewhat irrelevant.

11. The building is structurally sound and could be put to a multitude of alternative uses. The evidence before me does not convince me that the building could not be reused either in its current form or with sympathetic alterations or that it would be unviable to do so. There is also no evidence before me to suggest that the building has been marketed.
12. As the building is considered to be of heritage value and makes a positive contribution to the character and appearance of the CA, its loss needs to be balanced against the effect of the proposed new development on the character and appearance of the CA.
13. The front elevation of the proposed replacement building is intended to resemble a Victorian Villa. However, the wide gable front, the roof pitch, the horizontal rather than vertical emphasis of the windows and other architectural design features, or lack of, for example the absence of tall chimneys, would not bear any resemblance to the existing building to be removed or to the other buildings referred to by the appellants. The side and rear elevations of the proposed building would be of no interest at all and the overall scale and form of the building would not reflect the historic character of the site.
14. The increased width of the new building would make it more visually prominent in the street scene than the existing building despite being set well back from the road. Although the existing building is partially screened by overgrown shrubs, these would be removed to make way for the proposed parking bays. The absence of any space between the new building and the Springfield Court apartments, when viewed from Hadham Road, would further erode the historic pattern of development in the area.
15. I acknowledge the other demolition and re-development schemes referred to by the appellants but I do not know the full circumstances of those cases, the justification provided or the policies that were in place at the time of their approval. It is also evident that other historic buildings in the area have been successfully retained and converted into new uses, preserving and enhancing the CA. I have therefore determined this case purely on its own merits.
16. The total loss of the existing NDHA, which is of low significance but makes a positive contribution to the CA, combined with a replacement building that would fail to either preserve or enhance the character and appearance of the CA would in my view result in harm to a designated heritage asset, namely the Bishop's Stortford Conservation Area. This harm would however, be less than substantial given the low significance of the building and the small contribution it makes to the overall significance of the CA.
17. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. In this case no public benefits have been put forward by the appellants.
18. The proposal therefore conflicts with policies HA1, HA4 and DES3 of the East Herts District Plan (October 2018). These policies collectively seek to ensure that permission is only granted for demolition in conservation areas where the building or structure to be demolished does not make a positive contribution to its character and where the replacement is of high standard of design and layout, which reflects and promotes local distinctiveness. The proposal would

also conflict with the aims of the Framework to conserve and enhance the historic environment.

Living conditions

19. Although the submitted plans do not include a scale drawing showing the proposed building in relation to surrounding residential properties, it is clear that the new building would be much wider, much longer and in parts much higher than what currently exists. The new building would also be much closer to 29A Westfield Road and to Springfield Court than the existing building. Despite not being closer to Hadham Court, which is located on higher ground with the bottom of its ground floor windows being roughly level with the top of the existing flat roof extension of the Masonic Hall, the increased eaves height and the increased length of the building would adversely affect the light to and the outlook from the windows in the eastern side of this building. Gardens to the rear of 29A Westfield Road and Hadham Court would also be directly overlooked by windows in the side and rear elevations of the new building.
20. I acknowledge that there will already be some overshadowing of gardens from existing hedges, however, the height and density of the hedgerow is varied and can be controlled by the residents, unlike the scale and massing of the proposed building, which would be a permanent and solid structure of greater height.
21. Bedrooms are habitable rooms and moreover there is nothing to prevent future owners from swapping which rooms they choose to utilise as living rooms or bedrooms. I therefore give little weight to the appellants argument that bedroom windows would not result in overlooking or loss of privacy.
22. The new building would be set back from the nearest part of the Springfield Court complex and the windows in the eastern side elevation would be fitted with obscure glazing, albeit these would appear to be opening escape windows, which would not be obscure when open. The front elevation windows would not be obscure glazed and although at oblique angles, would be very close to windows in the north and west elevations of Springfield Court. The new building would therefore appear overbearing and would adversely impact upon the outlook of occupiers of the Springfield Court apartments. There would also be insufficient levels of privacy between the existing and proposed apartments and future occupiers of the proposed apartments would have an poor quality outlook due to the amount of obscure glazing and the proximity of adjacent buildings.
23. The proposal would therefore fail to ensure a satisfactory standard of living conditions for future occupiers of the development and for existing and future occupiers of the adjacent residential properties in terms of outlook, light and privacy. The development is therefore contrary to policy DES4 of the East Herts District Plan (October 2018) which requires all development proposals to avoid detrimental impacts on the amenity of occupiers of neighbouring properties and land.

Other matters

24. In addition to the main issues considered above, the council refused permission on the grounds that in the absence of any landscaping details the proposal would be contrary to local plan policy DES3, which relates to the protection of

existing landscaping features. Having visited the site, with the exception of cutting back some shrubs, I cannot see how any existing landscaping would be affected. Had the development been acceptable with regard to the other main issues, a suitable condition could have been imposed to agree details of any new landscaping considered necessary.

25. I note that the Town Council Planning Committee did not object to the proposal, but the Town Council are not the Local Planning Authority (LPA) they are one of many consultees and they do not have the final say on planning decisions. The Town Council committee, unlike an LPA planning committee meeting, which this has perhaps been confused with, would not have been subject to any professional advice or recommendation from the council's planning officers. The absence of an objection from the Town Council and from various other consultees, does not outweigh the statutory duty in the Planning Act to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas or the statutory duty to make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
26. The appellant criticises the accuracy of the CA Appraisal but accepts the building is a heritage asset. The CA Appraisal, whilst re-enforcing the views of all parties that the building is a NDHA, has not been a determinative matter or given significant weight. I would have reached the same conclusion without having any regard to it.
27. The appellant also makes comparisons to other developments in relation to both main issues however I have determined this case on its own merits having regard to its own historic interest, its own contribution to the CA and its own relationship to its own neighbours and surroundings.
28. I acknowledge the additional concerns raised by local residents regarding the increased use of the shared access, insufficient parking, impact on services, disturbance during construction and increased noise and activity, but given my findings on the main issues it is not necessary for me to consider these matters in further detail.

Conclusion

29. For the reasons given above and having regard to all matters raised, the appeal is dismissed.

Rachael Bartlett

INSPECTOR