



## Appeal Decision

Site Visit made on 9 June 2021

**by L Fleming BSc(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24<sup>th</sup> June 2021**

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### **Appeal Ref: APP/J1915/W/20/3265439**

#### **Santander Uk Plc, 55 High Street, Ware, SG12 9BA**

- 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 Savage Homes Ltd against the decision of East Hertfordshire District Council.
  - The application Ref 3/20/0503/FUL, dated 2 March 2020, was refused by notice dated 4 September 2020.
  - The development proposed is change of use of part of the ground floor and the whole of the first and second floors of former Class A2 bank premises into two, one bedroom flats and one, bed sitting room flat, together with refuse store and minor internal alterations.
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### **Appeal Ref: APP/J1915/Y/20/3265440**

#### **Santander Uk Plc, 55 High Street, Ware, SG12 9BA**

- 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 Savage Homes Ltd against the decision of East Hertfordshire District Council.
  - The application Ref 3/20/0504/LBC, dated 2 March 2020, was refused by notice dated 4 September 2020.
  - The works proposed are change of use of part of the ground floor and the whole of the first and second floors of former Class A2 bank premises into two, one bedroom flats and one, bed sitting room flat, together with refuse store and minor internal alterations.
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### **Decision - Appeal A**

1. The appeal is dismissed.

### **Decision - Appeal B**

2. The appeal is dismissed.

### **Procedural Matters**

3. Both appeals relate to the same scheme under different but complimentary legislation, I have therefore dealt with them together in my reasoning.

### **Main Issues**

4. The main issues are:
    - the effect of the proposed development on the living conditions of the future occupiers with particular regard to internal space.
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- whether the proposed development/works would preserve the grade II listed 53 55 High Street or its setting and any features of special architectural or historic interest that it possesses and whether the scheme would preserve or enhance the character or appearance of the Ware Conservation Area.

## Reasons

### *Living conditions (future occupiers)*

5. Policy DES4 of the East Herts District Plan (2018) (DP) states all new residential developments should meet the requirements of Policy HOU7, and ensure all internal rooms are of an appropriate size and dimension so that the intended function of each room can be satisfactorily achieved.
6. I am told that the proposed bedsit would be a one person dwelling and would have a gross internal area (GIA) of some 27 square metres. Irrespective of whether this dwelling would meet the Technical housing standards – National described space standard<sup>1</sup> (THS), it would be a narrow unit of accommodation with a small combined bedroom/living area with a separate small shower and small kitchen room and cupboard.
7. However, the proposed cupboard would also be small. Thus, even having regard to the appeal in Hove<sup>2</sup>, in the this case, once furniture is in place and personal items inevitably stored in the combined bedroom/living area the proposed bedsit would result in a cramped and uncomfortable living environment due to its very limited floor space. This is such that the room would not be able to adequately function as a comfortable bedroom or living space generally.
8. Proposed flat 2 would have a reasonably sized hallway, which could be used for some storage. Furthermore, the proposed main living spaces and bedroom would be served by natural light and would have a reasonable outlook. Overall, with a GIA of approximately 49 square metres proposed flat 2 would have adequate internal space such that the proposed rooms would not feel cramped and could be used for their intended function. Thus, there would be no harm to living conditions arising from proposed flat 2.
9. However, for the reasons given, the proposed bedsit would have a harmful effect on the living conditions of the future occupiers of the proposed development with particular regard to internal space. It would therefore conflict with the aims of Policy DES4 of the DP which seeks to ensure good design and a good standard of living accommodation.

### *Significance*

10. No 55 High Street is one of two commercial properties which together comprise the grade II listed 53 55 High Street (Nos 53 & 55), a C16 grade II listed building which was originally a coaching inn. It is within the Ware Conservation Area (CA).
11. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be given to the desirability of preserving a listed building or its setting and any features of architectural or historic interest it possesses. The same act also requires special attention to be paid to the

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<sup>1</sup> Technical housing standards – National described space standard, DCLG, March 2015

<sup>2</sup> Appeal Reference APP/Q1445/W/15/3003834

desirability of preserving or enhancing the character or appearance of a conservation area. Furthermore, paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

12. Nos 53 & 55 is two-storey, timber framed, with a jettied first floor, attics and a basement. Its first floor has four irregularly spaced sash windows. The ground floor has a C20 shop front with panelled stall riser and a canted recess, a central open carriageway, with arch over and exposed timber framing on its underside. It also has stone steps up to a fielded panelled door with fanlight beside sash windows set in a rusticated stuccoed wall. Internally, the first floor has traditional oak panelling, possibly of Georgian origin. There are also a number of traditional fireplaces and other traditional features.
13. The CA covers a large part of the town including its commercial centre and some of its residential suburbs including part of the River Lea. There is evidence of late iron age and Roman settlements at Ware. Consequently, there are many historic buildings, of a variety of periods, some of medieval origin. The narrow commercial High Street and intersecting narrow side streets are particularly notable.
14. Thus, insofar as is relevant to these appeals, the significance of Nos 53 & 55 derives from its historical use as a commercial building with residential accommodation in a High Street location and its traditional architectural internal and external detailing. Furthermore, insofar as is relevant, I find the significance of the CA derives from the architectural detailing, layout and uses of the traditional buildings within it and their relationship with the River Lea.

*Effect on 53 55 High Street and Ware Conservation Area*

15. At first floor level, proposed flat 1 would involve the subdivision of one of the main first floor rooms to create a bedroom and shower room by installing a stud partition in the room that has traditional oak panelling. I note the comments that the panelling is of some interest but is damaged, incomplete, miss-matched and of no clear provenance. I also note the comments saying it relates to a period of decoration perhaps a century after the building's early core and is considered of some interest but not to form a critical or key aspect of this building's heritage value. I acknowledge the assurances that the panelling would be fully retained but concealed in the proposed shower room by walling and that it would be protected from moisture.
16. However, even though the panelling may not be original, it is clearly a highly decorative traditional feature of the building and the defining feature of the room. There are no details showing how the proposed new walls would be sensitively fixed to the panelling and made moisture proof.
17. Furthermore, at ground floor level the proposal includes the removal of walls, refurbishment of rooms, new lobbies as part of an improved commercial space. However, the details before me are based on these works being undertaken to a vacant bank, whereas at the time of my site visit the ground floor of the appeal premises was in use as a delicatessen with the ground floor appearing extensively refurbished.

18. The details of the existing listed building at ground floor level before me do not resemble the current condition of the listed building. Thus, I cannot accurately assess whether or not the proposed ground floor works would harm the historic fabric of the listed building or not. Furthermore, without details of how the wall of the proposed flat 1 shower room would be fixed to the oak panelling and made water and moisture proof, I cannot be satisfied that the proposed shower room installation and use would not damage the oak panelling, thus harming historic fabric of the grade II listed building. Conditions seeking to secure details of such measures would not be appropriate as I am not sure any such conditions would be effective in preserving the listed building.
19. The Framework is clear in that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Without these details I cannot fully understand the proposals impact. I must therefore take a precautionary approach and find the proposal would cause harm to the grade II listed building by failing to appropriately preserve the oak panelling on the first floor and would also risk harm to other features of architectural or historic interest through the proposed ground floor works.
20. For these reasons, the proposal would fail to preserve the historic architectural detailing of the grade II listed Nos 53 & 55 harming its significance. As I have found the proposals would fail to preserve the historic architectural detailing of a traditional building within the CA, it follows, that without evidence to the contrary I must also find the proposal would fail to preserve or enhance the character or appearance and harm the significance of the CA as a whole.

#### *Planning and Heritage Balance*

21. The combined harm I have identified to the significance of the designated heritage assets would be less than substantial. In which case paragraph 196 of the Framework requires it to be weighed against the public benefits of the proposals, including where appropriate, securing optimum viable use.
22. The proposals would provide three new dwellings where the occupants could easily access services and facilities without dependence on a private car. I also note the scheme would enhance the use of the appeal premises with associated benefits to the vitality and viability of the centre. However, these public benefits would be insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage assets. Furthermore, I have also found harm to living conditions which adds further weight against the scheme and in any event would be sufficient to outweigh all benefits.
23. Overall, I therefore find the proposed development/works would fail to preserve the grade II listed building or its setting and any of the features of special architectural or historic interest that it possesses and would fail to preserve or enhance the character or appearance of the CA contrary to the respective sections of the Act and the Framework. It would also harm the living conditions of future occupiers.
24. For the same reasons both appeal proposals would also conflict with the development plan, particularly Policies DES4, HA1 and HA7 of the DP which amongst other matters seek to ensure a good standard of living accommodation, a high standard of design which complements the parent building and the surrounding area and preserves or enhances heritage assets.

### **Other Matters**

25. I acknowledge the comments about the Council's handling of the planning application and pre-application advice. I note the comment that the Council did not undertake a thorough site inspection of the appeal property. I also note the appellant's efforts to revise the scheme in light of the advice received from the Council. I also acknowledge the proposals were influenced by building regulations. However, these matters or any other raised do not alter my findings.

### **Conclusion**

26. For the reasons given above and taking into account all other matters raised, I conclude that both appeals should be dismissed.

*L Fleming*

INSPECTOR