



Appeal Decisions

Site Visit made on 10 January 2022

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 21st January 2022

Appeal A: APP/A1910/Y/21/3270459

121 High Street, Markyate AL3 8JG

- 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 Uddin against the decision of Dacorum Borough Council.
 - The application Ref: 20/03801/LBC, 4 December 2020, was refused by notice dated 22 January 2021.
 - The works proposed are single storey rear extension, conversion of first floor into 1-bedroom flat, construction of outbuilding for storage in rear garden and retention of laying the tarmac in back garden of property.
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Appeal B: APP/A1910/W/21/3270460

121 High Street, Markyate AL3 8JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Uddin against the decision of Dacorum Borough Council.
 - The application Ref: 20/03800/FUL, dated 4 December 2020, was refused by notice dated 22 January 2021.
 - The development proposed is single storey rear extension, conversion of first floor into 1-bedroom flat, construction of outbuilding for storage in rear garden and retention of laying the tarmac in back garden of property.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The description in the banner headings above reflects an amendment to omit the chimney flue element from the appeals proposal, at the request of the appellant, in the light of an enforcement appeal decision¹ on the site. The Council has had opportunity to comment on this requested change, which I deem would not so evolve the appeals proposal as to disadvantage parties were I to assess the proposal without the flue. As such, for the purposes of my decisions, I assess the appeals proposal without the flue.

¹ Appeal Ref: APP/A1910/F/20/3262176, issued in May 2021.

4. As the proposal relates to a listed building and is in a conservation area, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. Since the Council's decision, a new version of the National Planning Policy Framework (the Framework) was published in July 2021. The parties have had opportunity to comment on the engagement of this new policy document in relation to the appeals, and so will not be disadvantaged by my consideration of it.

Main Issue

6. The main issue is whether the proposal would a) preserve the Grade II listed building, 'Numbers 117, 119 the Old Red Lion House, and 121' High Street (Ref: 1174030), or any features of special architectural or historic interest that it possesses, and b) preserve or enhance the character or appearance of the Markyate Conservation Area (CA).

Reasons

7. The appeal site is located in the centre of Markyate village, at the junction of Hicks Road and High Street, the latter of which is the historic spine of the CA. Mainly two-storey terraced brick buildings with tile pitched roofs, dating from around the seventeenth century line much of the High Street. Rows of mainly residential buildings are punctuated by rear yards with archway accesses, pubs and shops.
8. The appeal building forms one end of the listed building. The listed building is a two-storey block with mainly pitched tile roofs, located at the beginning of the older part of High Street. It dates from around the seventeenth century, with eighteenth and nineteenth century elements to its evolved front elevation, which includes a hot food takeaway shopfront at the appeal property. The traditional terraced form, fenestration pattern, prominent high street corner location and architectural detail, including No 121's chamfered corner doorway, and timber framing in the gable end of No 117, contribute to what the listing describes as its picturesque quality. Consequently, the listed building embodies evidential, historical and aesthetic values.
9. The above contributes to both the listed building's special interest and the significance of the CA.
10. A diversity of rear outbuildings and extensions in backland areas to the rear of the High Street further shapes the character of the locality. These have a variety of profiles, footprints and orientations, ranging from sheds and smaller lean-tos, to garages and some residential and business conversions. A gym and a vehicle repair workshop in the vicinity, for example further contribute to the CA's evolved character. Together, these contribute to the evolved 'jigsaw' of townscape elements, and mixed residential and commercial use, that characterises this historic Hertfordshire village centre.
11. Given the above, I consider the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with the historic legibility of its traditional Hertfordshire village centre architecture. This contributes to the CA's significance, which lies in the historic townscape that reflects Markyate village's evolution from the seventeenth to the nineteenth century.

12. The proposed flat-roof toilet extension would be subordinate to the existing modern rear flat-roof extension in terms of height and mass. Also, it would result in a more gradual, less abrupt step down from the existing rear extension to the yard's side boundary wall, viewed looking towards the property's south-eastern perimeter. This would visually moderate the step down in built profile, and so distract less from the main historic core of the appeal building, viewed from the south-east.
13. Furthermore, the proposed single storey outbuilding in the rear yard would assimilate acceptably within the evolved context of some diversity of outbuildings and extensions in the locality. Its timber cladding would help it to visually blend in with garden shed presence in the locality. The tarmac surfacing of the yard fits with the evolved commercial use of the building and mixed use in the locality.
14. The proposed plan for conversion of the appeal building's first floor from a staff room, toilet and storeroom to a one-bedroom flat indicates that existing internal walls and layout would remain. However, there is a relative lack of detail before me regarding works and fittings likely to be necessary to make the first floor habitable, including any kitchen or bedroom fittings, repairs, and sound or fire insulation between floors, for example. As such, there is not sufficiently clear detail regarding the likely interior works to convert the first floor to a flat, and their effect on the listed building, to decisively demonstrate avoidance of harm to the fabric and special interest of the listed building.
15. Given my above findings regarding the proposed rear extension, outbuilding and yard surfacing, and the internal nature of the proposed first floor conversion, and the retention of wall layouts, the proposal would have a neutral effect on the character and appearance of the CA. However, given the above concerns about the detail of the proposed first floor conversion, I find that the proposal would fail to preserve the special interest of the listed building. I give this harm considerable importance and weight in the planning balance of these appeals.
16. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given the extent of the proposed changes, I find the harm to the listed building to be less than substantial in this instance, but nevertheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against public benefits of the proposal, including any contribution to securing optimal viable use of listed buildings.
17. The proposal would contribute to local housing supply in the form of a one-bedroom flat, with associated socio-economic benefit during and after construction. Albeit this would be tempered by loss of a staff room and associated staff amenity. Also, the more gradual step down in building profile, as a result of the proposed extension, would modestly lessen distraction from the main historic core of the listed building, viewed from the south-east. The public benefits would be limited in scale.
18. Drawing the above together, I find that the public benefits of the proposal do not outweigh the great weight given to the conservation of the designated heritage asset and the less than substantial harm to its significance which I have identified.

19. I therefore conclude that the proposal would fail to preserve the special interest of the Grade II listed building. This would fail to satisfy the requirements of the Act and paragraph 202 of the Framework. It would also conflict with Policy CS27 of the Dacorum Core Strategy 2006-2031, which seeks to ensure that, among other things, development conserves, and where appropriate enhances heritage assets. As a result, the proposal would not be in accordance with the development plan.

Conclusion

20. For the reasons given above I conclude that the appeals should be dismissed.

William Cooper

INSPECTOR