



Appeal Decision

Site visit made on 21 February 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 29 March 2022.

Appeal Ref: APP/J1915/D/21/3287427
47 Ware Road Hertford SG13 7ED

- 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 C.Rice against the decision of East Herts District Council.
 - The application Ref 3/21/1905/HH, dated 16 July 2021, was refused by notice dated 22 September 2021.
 - The proposed development is for partial demolition of lean-to workshop and boundary wall. Redevelopment/extension of the existing workshop to provide a two storey artwork/sculpture studio and workshop, incorporating a covered work area, external stairs and new folding gates. Extension of existing dropped kerb.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) The effect of the proposal upon the historic environment.
 - b) The impact of the proposal upon the living conditions of neighbours.

Preliminary Matter

3. The description of development in the heading above has been taken from the Council's decision notice. In Part E of the appeal form it is stated that the description of development has been agreed previously and the main parties have provided written confirmation to that effect. Accordingly, I have used the one given on the Council's decision notice and the Appellant's appeal form.

Reasons

4. The appeal site is located to the rear garden area of number 47 Ware Road that is a large double fronted Victorian House, typical of those on the approaches into Hertford along this part of Ware Road. The site itself extends along the rear of the property alongside Railway Place where a high brick wall demarks the side boundary of the property before buildings begin to front onto Railway Place and continue the streetscene independantly.

5. The site is located within Area 6: Ware Road, of the Hertford Conservation Area. Within the Hertford Conservation Area Appraisal¹ (HCAA) number 47 Ware Road is identified as a positive building within the area. The site is also nearly opposite the side elevation of the Grade II Listed 'The Saracen' Public House which sits on the corner of Ware Road and Railway Place. To the rear of 'The Saracen' extends a lower scale brick range of buildings that culminates in a former oast house, with its conical roof featuring prominently within the streetscene.
6. As mentioned above the site in question is currently rear garden to the parent property. The garden is a generous size and approximately the same width as that of the main house. Currently there is an existing single storey lean too workshop of local brick at the foot of the garden and this would be demolished to make way for the new building.
7. The proposal would see a two storey workshop and studio created that would allow the residents of number 47 Ware Road extra studio and workshop space to continue their artistic endeavours. The proposed building would sit nearly to the edge of the footway along Railway Place and be of two storeys with an asymmetrical roof intended to allow higher quality north light into the proposed first floor studio space. To the sides, high level windows would face into the garden of number 47 and smaller, obscured openings would allow some light from the rear. The building would contain a set of off-set horizontal windows to the first floor facing Railway Place and the building would be clad in timber cladding. To the ground floor a new gate would be proposed maintaining and enlarging vehicular access for parking to number 47.

The Effect of the Proposal Upon the Historic Environment

8. In assessing this appeal Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses. Section 72 of the same Act requires me to give 'Special Attention' to the desirability of preserving or enhancing the character or appearance of the Hertford Conservation Area. The National Planning Policy Framework (The Framework) also states that when considering the impact of proposed development on the significance of the heritage asset, 'great weight' should be given to the asset's conservation. Policies HOU11, DES4, HA1 and HA4 of the East Herts District Plan (2018) reflect The Framework in their aspirations for design quality and responsive design to the historic environment.
9. The proposed studio/workshop building would be constructed within a largely late Victorian part of the Hertford Conservation Area and near to the Grade II Listed 'The Saracen' Public House, which itself appears to have been re-fronted in the late Victorian era at ground floor level. This area appears to have been defined by both Ware Road and the later railway development that resulted with the historic infilling of plots between these two major pieces of infrastructure.
10. As a result both residential, ancillary commercial and small scale industrial uses could traditionally have been found here and I consider that the legacy of these give the area a subtle variation in architectural character, scale and form that

¹ Hertford Conservation Area Appraisal and Management Plan adopted March 2017.

contributes to both the character and appearance of the conservation area and to the setting of the Listed Building.

11. In light of these characteristics I see no conflict between the character and historic use of the area and this proposal. Indeed I consider the anticipated 'practical' workshop use of the building could offer some benefit to the diversity of uses that once defined the area here and would further enhance the character as defined above. In accepting the diverse physical character of the area however, I consider that the basic principles of building hierarchy are often typified with smaller, ancillary buildings being more fully subservient and somewhat set back into their plots, rather than presenting themselves towards the road frontages and sitting alongside the more 'polite' Victorian frontage buildings.
12. By contrast the proposal before me seeks to present this workshop to the back edge of Railway Place alongside what I consider was likely a much more 'polite' building in its heyday (number 2 Railway Place). The result of this would see what is meant to be an ancillary outbuilding being of a relatively high two storeys and ultimately appearing highly visible and present within the streetscene. I consider that this approach places this proposal at odds with the overriding character and appearance of the conservation area where I would expect such buildings to be either smaller scale or more set back into their plots.
13. In terms of roof form I consider it infinitely acceptable that such a building should be defined by its use and the inclusion of north lights, thus resulting in the asymmetrical roof form, appears to me to be a very sensible and practical form for this building to have. Even though there are typically few buildings with such an off set roof form in the area, I consider that it would be suitable and characteristic for a smaller, ancillary workshop to sport such a feature. As it is however, the large scale and relative prominence of this building would tend to result in this feature being more prominent than would be desirable and I consider that this would be harmful to the character of the area.
14. Similarly, the proposed materials would offer something of a contrast to the predominant locally used brick and render but not one that is absent within the conservation area. Indeed I saw on my site visit that there are some buildings with timber cladding that I consider integrate effectively and appear suitably ancillary as a result. Once again however I consider that the main issue here is the fact that this building would use such materials on a structure that is too large and this would ultimately undermine the hierarchy that is demanded through this proposal.
15. In considering this proposal and its impact upon both the Hertford Conservation Area and the setting of the Grade II Listed pub 'The Saracen', the proposal would ultimately present a structure that is too large and in too close proximity to Railway Place to be suitably ancillary. Although I find no harm in principle to the asymmetrical roof form or the proposed materials, these together with the large scale and form of this building would lead me to conclude that less than substantial harm would be suffered to the historic environment.
16. In assessing this harm I identify that the re-introduction into the conservation area of such 'practical' uses such as a workshop, that is sometimes open to the public, could constitute a Public Benefit for the purposes of The Framework. However, I do not consider that this benefit would be enough to outweigh the

less than substantial harm that I have identified above. As such I consider that the proposal is conflict with Policies HOU11, DES4, HA1 and HA4 of the East Herts District Plan 2018.

The Impact of the Proposals Upon the Living Conditions of Neighbours

17. The proposed workshop would include small scale obscured windows to its rear face and as such I do not consider that there would be any overlooking of the property's neighbours. I can also see that the proposed high level windows would be above eye level as stated by the Appellant and the included building section within the Appeal Statement confirms this. I therefore conclude that there would be no issue of overlooking with this proposal that would result in a harmful impact upon the living conditions of neighbours through overlooking or overdominance.

Conclusion

18. In light of the less than substantial harm that I have identified and taking into account all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR