



Appeal Decision

Site visit made on 24 October 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2Nd November 2022

Appeal Ref: APP/J1915/W/22/3291743

8 Parliament Square, Hertford SG14 1EY

- 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 P Cedron, Zelltec Construction Services Ltd against the decision of East Hertfordshire District Council.
The application Ref 3/21/2521/FUL, dated 27 September 2021, was refused by notice dated 24 November 2021.
 - The development proposed is described as addition of a second floor to create a two bedroom flat with a roof terrace, with internal alterations to ground floor shop unit and first floor flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on character and appearance of the Hertford Conservation Area and the setting of surrounding Listed Buildings.

Reasons

3. The appeal site is a prominently corner two storey triangular building in Hertford Town Centre. The building is distinctive red brick with stone window surrounds and decorative swag details projecting above the roofline. The proposed development includes the construction of an additional floor to create a residential unit with mansard roof and roof terrace set behind a new parapet wall.
4. The site is within the Hertford Conservation Area with Listed Buildings within the immediate area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires decision makers, when considering whether to grant planning permission, to have special regard to the desirability of preserving the listed building or its setting or any feature of special architectural or historic interest which it possesses. A similar duty exists in relation to having regard to the character and appearance of a Conservation Area under Section 72(1) of the LBCA Act.
5. The Conservation Area in the vicinity of the appeal site is characterised by high quality buildings which vary in design and scale the irregularity of form provides interest and rhythm to the streetscene. Individual decorative features

- on buildings are important features with the contrasting buildings providing a strong façade within the area which contributes to the significance of the Conservation Area.
6. The appeal site is not a Listed Building however the site is surrounded by a number of Listed Buildings including No. 6 Parliament Square and the former Green Dragon Hotel.
 7. I noted during my site visit that views from the War Memorial sited opposite in the pedestrian area and from the B158 towards the appeal site allows the roof detailing of the former Green Dragon Hotel to be observed. The proposed development would restrict this vista which would harm the setting of the Listed Building.
 8. Despite, the attempt by the Appellant to integrate the proposed development with the surrounding area through the use of matching stone surrounding, brickwork and window design. The design and scale of the proposed development along with a roof terrace which would include a glazed balustrade would appear at odds to the adjacent properties and would be a discordant feature to the building and the streetscene in general.
 9. Whilst there are varying roof styles at differing heights the proposed development would add bulk which would unbalance the building. The projecting decorative swag detailing would be diminished by the additional floor.
 10. Taking all these factors into account, the proposal would detract from the façade with decorative features of the appeal site which adds to the significance to the Conservation Area. The scale and design of the proposed development would diminish the setting of Listed Buildings, in particular No. 6 Parliament Square and the former Green Dragon Hotel. I find that the proposed development would lead to harm of designated heritage assets.
 11. Paragraph 197 of the National Planning Policy Framework 2021 (the Framework) indicates that the desirability of sustaining and enhancing the significance of heritage assets should be taken into account in determining planning applications. Whilst the proposal would lead to less than substantial harm to the significance of the Conservation Area and setting of the Listed Buildings, the harm caused would nevertheless be material.
 12. Paragraph 199 of the Framework states that great weight should be given to the conservation of a designated heritage asset when considering the impact of a proposal on such an asset. This is irrespective of the level of harm. Any harm to the significance of a designated heritage asset should require clear and convincing justification based on Framework paragraph 200.
 13. In accordance with the Framework it is necessary that this identified less than substantial harm is weighed against the public benefits of the proposal. In this regard, a new dwelling would add to housing supply in a location close to existing services, facilities and public transport and provide short term employment opportunities.
 14. However, the benefits would have to be weighed against the adverse impact on the significance of the Conservation Area and setting of the Listed Buildings for which considerable importance and weight is required to be attached. I find

that the harm to the significance of the Conservation Area and setting of the Listed Buildings would outweigh the scheme's benefits.

15. There are no considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan.
16. My attention has been drawn by the Appellant to buildings within the surrounding area which have had additional floors inserted. I have visited these buildings and the settings nor the relationship with neighbouring buildings are comparable to the appeal site. Notwithstanding this each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.
17. I conclude that the proposal would fail to preserve or enhance the character and appearance of the Hertford Conservation Area and the setting of surrounding Listed Buildings. There is conflict with Policies DES4, HA1, HA4 and HA7 of the East Herts District Plan (2018) which amongst other things seek to promote local distinctiveness, achieve good design appropriate to the local context which preserve and enhance Conservation Areas and preserve the setting of Listed Buildings.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

C Pipe

INSPECTOR