



Appeal Decision

Site visit made on 6 February 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2024

Appeal A Ref: APP/J1915/W/23/3322175

33-35 Baldock Street, Ware, Hertfordshire SG12 9DN

- 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 Andrews of Travis Perkins PLC against the decision of East Herts Council.
 - The application Ref 3/22/1264/FUL, dated 15 June 2022, was refused by notice dated 18 January 2023.
 - The development proposed is described as 'retention of: rearrangement of builders merchant yard including additional external racking units up to a maximum height of 4 metres.'
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Appeal B Ref: APP/J1915/W/23/3328449

33-35 Baldock Street, Ware, Hertfordshire SG12 9DN

- 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 Chris Andrews of TP Property Company Limited against the decision of the East Herts Council.
 - The application Ref 3/23/0676/FUL, dated 3 April 2023, was refused by notice dated 26 May 2023.
 - The development proposed is rearrangement of builders' merchant yard including additional external racking units.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. As set out above, there are 2 appeals on this site. Both schemes seek to reconfigure the builder's merchant yard and provide additional external racking in different configurations. I have considered each appeal on its individual merits. However, to avoid duplication I have dealt with the 2 schemes together, except where otherwise indicated.
4. Amended plans were submitted to the Council during the course of the planning application process relating to the scheme in Appeal A, which reduced the height of the external racking units. As a result, I have taken the proposal description for Appeal A from the decision notice and appeal form.

5. Since the Council issued its decision notice, the National Planning Policy Framework (the Framework) has been revised, with the latest version published on 19 December and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal remain broadly the same. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party has been prejudiced by my approach.

Main Issues

6. The main issue for both appeals is the effect of the proposed development on the character and appearance of the area, having particular regard to the Ware Conservation Area (CA) and the setting and therefore the significance of nearby listed buildings.

Reasons

7. The appeal site incorporates a two storey flat roof building, which is accessible from Baldock Street and forms part of a terrace, which contains a number of listed buildings. To the rear of the property is a builder's yard, which includes a covered canopy along one side. The remainder of the yard comprises of areas which are used to store building materials (including on racking) and hardstanding, which is used for vehicular parking and turning. Although the appellant states that the existing racking has been in place for several years, the Council advises that it does not have planning permission.
8. The appeal site lies within the Ware CA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The CA covers a large part of the town, including its commercial centre and a section of the River Lea. The significance of the CA insofar as is relevant to this appeal is derived from its diverse range of high quality historic buildings, which include commercial, residential and industrial architecture, including buildings relating to the malting industry.
9. Section 66(1) of the Act requires me to have special regard to the desirability of preserving the setting of a listed building during the determination of an appeal. The appeal property forms part of a historic terrace, which contains a number of listed buildings. Nos 37 – 47 Baldock Street back onto the builder's yard and are Grade II listed buildings. The significance of these Grade II listed buildings insofar as is relevant to this appeal is derived from their sixteenth century architecture, timber frame construction and use of traditional materials. No 31 Baldock Street, which lies adjacent to the appeal property is another Grade II listed building. The significance of this listed building in relation to this appeal is derived from its seventeenth century architecture, timber frame, use of yellow brick and historic shopfront.
10. North Central Maltings and North Maltings lie to the rear of the appeal site and are Grade II listed buildings. They form part of a historic brewery yard, which has been converted to residential use. The significance of these listed buildings insofar as is relevant to this appeal is derived from their mid nineteenth century industrial architecture, their long rectangular form, presence of kilns and cowls and use of historic materials. The setting of the listed buildings incorporates the surrounding land, in which they are appreciated.

11. The builder's yard is screened from Baldock Street by the existing built form. There is a high boundary wall that runs along the rear boundary of the site and adjacent to the boundaries of properties that front onto Baldock Street. Views of the existing storage, racking and sheds within the yard are available from the access point to the rear and above the rear boundary wall. The northern boundary of the site is more open and consists of a low wall, with railings above. Public views are available into the builder's yard from Watton Road between the existing built form.
12. I appreciate that the builder's merchant lies within a commercial area and has been in situ for sometime. Nevertheless, the builder's yard currently appears in stark contrast from the high quality, historic environment in which it forms part.
13. Both appeals seek to provide additional external racking. However, aside from general areas within the site, it is unclear from the plans before me exactly where these units would be sited. Appeal A seeks to provide additional external racking units up to a maximum height of 4 metres within the central part of the site. The proposed plan shows that the storage areas adjacent to the north, east and western boundaries would be up to 3 metres in height. The proposed plan for Appeal B shows a storage area up to 4 metres in height adjacent to the northern boundary of the site and part of the eastern boundary. A larger storage area is proposed adjacent to the eastern boundary of the site, which would extend towards the centre of the yard and would be up to 3 metres high. A storage area of up to 3 metres in height is also shown adjacent to the western boundary of the site in Appeal B.
14. At present, the existing racking is predominantly sited adjacent to the builder's merchant building and within the central part of the site. While building materials are stacked at some height adjacent to the boundaries of the site, this is of an informal and low key nature and does not result in a continuous area of storage at a high level. The existing informal areas of storage enable views across the site to be retained of the neighbouring properties, some of which are of high architectural and historic merit.
15. The listed buildings that front onto Baldock Street have small back gardens. The provision of racking up to 3 metres in height adjacent to the eastern boundary of the site would exceed the height of the boundary wall and would partially obscure views of the rear elevations of these listed buildings. Consequently, the provision of additional racking in such close proximity to the boundaries of these listed buildings would detract from their setting and therefore the significance of these listed buildings. The proposed racking would also exceed the height of the rear boundary wall. The increase in the amount of visual clutter at height would also detract from the setting of the listed buildings within the historic brewery yard.
16. The provision of additional racking would intensify the amount of material which could be stored at height and create additional visual clutter. Both schemes would increase the prominence of the builder's yard within public views and would cause harm to the historic character of the area. As a result, I find that the proposal would fail to preserve the character and appearance of the CA.
17. As required by the Framework, great weight should be given to the conservation of a designated heritage asset, irrespective of the harm identified.

I find the harm to be less than substantial to the significance of the CA and nearby listed buildings, but nevertheless of considerable importance. In accordance with paragraph 208 of the Framework, this harm should be weighed against any public benefits of the proposal.

18. The appellant states that both schemes would generate additional full-time jobs. The creation of additional jobs would also result in an increased employee spend in the local area, which would benefit other local businesses. The additional racking would enable the business to increase the amount and diversity of stock stored on site, which would help to ensure the long-term viability of the business, which is of value to local tradespeople. The Framework requires that significant weight should be placed on the need to support economic growth and productivity.
19. The appellant alleges that the continued payment of annual business rates is a planning benefit. However, there is limited evidence before me to suggest that the proposal would generate additional business rates compared to the existing situation. While the appellant suggests there is potential for a proportion of the business rates to be retained for local priorities, there is no mechanism before me to secure such a proposal. I therefore give these alleged benefits limited weight in my decision. I also do not find that either scheme would improve the appearance of the site, as alleged by the appellant.
20. Overall, I give significant weight to the economic benefits of the proposed development. However, this does not outweigh the great weight that I am required to give to the harm that I have identified to the designated heritage assets.
21. For the reasons given above, I conclude that both appeal schemes would be harmful to the character and appearance of the CA and would harm the setting and therefore the significance of nearby listed buildings. Both appeal schemes would conflict with Policies DES4, HA1, HA4 and HA7 of the East Herts District Plan October 2018. These policies among other matters require that development respects or improves upon the character of the site and surrounding area; that development proposals preserve and where appropriate enhance the historic environment, including the CA and that proposals that affect the setting of a listed building will only be permitted where the setting of the building is preserved. Furthermore, the proposal would fail to accord with the Framework, which seeks to conserve and enhance the historic environment.

Other Matters

22. While the appellant refers to other sites within the CA, which have areas of external storage and fencing, there are limited details before me to enable me to make a comparison. In any event, I am required to determine these appeals on their own merits.
23. I appreciate the height of the external racking is lower than typically required by the business. However, this does not justify the harm that I have identified above at this site.

Conclusion

24. For the above reasons, I conclude that the developments subject of Appeal A and Appeal B would conflict with the development plan as a whole and there

are no material considerations, including the Framework, which would outweigh that conflict. Therefore, Appeal A and Appeal B are dismissed.

A James

INSPECTOR