



Appeal Decision

Site visit made on 5 February 2024

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 11TH March 2024

Appeal Ref: APP/J1915/Y/23/3319776

3 The Gate House, Hadham Hall, Little Hadham, SG11 2EB

- 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 Angus Hudson of Sworders against the decision of East Hertfordshire District Council.
 - The application reference is 3/21/1669/LBC.
 - The works proposed are reconfiguration of internal office layout including reinstatement of a second floor, insertion of two roof lights.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Angus Hudson of Sworders against East Hertfordshire District Council. This application is the subject of a separate decision.

Preliminary Matters

3. As the appeal relates to a listed building consent I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. Since the determination of the application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated it on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

5. The main issue in this appeal is whether the proposal would preserve a Grade II* listed building, "The Gatehouse Range at Hadham Hall 60 Metres West of Hadham Hall" (Ref: 1211100) (the LB), and any of the features of special architectural or historic interest that it possesses.

Reasons

6. The LB dates from the early 16th century and is part of a manorial complex that has experienced significant change over time. It contains a gateway, which separates the building into two halves. The eastern half of the LB, which is the subject of this appeal, incorporates fabric associated with the construction of the 1440 manor house of Thomas Baud.

7. A significant part of the special interest of the building is derived from the principal roof trusses. These arch-braced collar trusses are atypical for the period and demonstrate a high level of craftsmanship. The wider fabric of the building also provides an important material record of its evolution and phased development over time from when it was first constructed. As the appellant points out, very few buildings survive in any form from the mid-15th century and only a small number of 16th century buildings remain as intact. The legibility and preservation of this fabric is consequently of the utmost importance. Turning to external features relevant to the proposal, there is a cohesive use of materials with a common patina and integrated palette that provides visual links with the other key historic buildings within the manorial complex.
8. Given the above, I find the special interest of the building, insofar as it relates to this appeal, to be primarily associated with the evidential and aesthetic value of historic construction materials and techniques that have been used. I find that these elements directly contribute to the special interest of the building.
9. In 2007 the Council granted Listed Building Consent for internal alterations¹. Subsequently, in 2010 a revised application² for internal alterations was submitted and approved (the 2010 permission). Both permissions included works to create a second floor, in the 2010 permission by the insertion of a mezzanine. That proposal also included the insertion of three windows into the roof, to provide natural light for the proposed second floor. The works to install one of these windows have been carried out. It is common ground between the parties that, being partly implemented, the 2010 permission is extant.
10. However, the 2010 permission has been in place for a considerable period of time without the bulk of the works being implemented. Further, the appellants have, over a period of time subsequent to that permission, sought to secure an alternative to them. I thus consider it unlikely that the appellants would proceed to fully implement the 2010 permission. Nonetheless current case law holds that "the prospect of the fall back position does not have to be probable or even have a high chance of occurring; it has to be only more than a merely theoretical prospect". Such a theoretical possibility is sufficient, in this instance, to make the position a material consideration.
11. The current proposal would insert a second floor, extending the existing staircase to access it, together with various other alterations to the ground floor and the insertion of two windows into the roof.
12. The insertion of a second floor would reflect more closely the form of the building following the addition of the 17th century cross beams. However, from the drawings, the joists would be positioned on top of the beams, rather than between them as they would have been originally. Although the joints for the floor joists would remain clearly visible, the juxtaposition of these different phases would be lost as well as intact views of the earlier trusses and the wall plates. Consequently, there would be a loss of legibility in terms of the historic phasing and a diminution of the aesthetic sweep of the collar trusses.

¹ Council Ref:3/07/1313/LB

² Council Ref: 3/10/1187/LB

13. The north elevation of the east range has a clay tile roof with a clay tile ridge. The roof tiles show signs of patch repairs but are relatively uniform although probably of late 19th or early 20th century date. The proposal would insert two further skylights in the north roof slope. These would be inserted between the rafters and, thus, no historic material would be lost. This notwithstanding, the north roof slope contributes positively to the aesthetic character and appearance of the building given the largely uninterrupted sweep of this elevation.
14. The insertion of the additional windows would further disrupt the roof form and its appearance, both when observed from outside and within and this amounts to harm to the aesthetic character of the LB. Further, the additional windows would further undermine the visual continuity of form with the other buildings in the complex. The presence of existing, modern features on the roof slope does not justify further harm.
15. The doors on the north elevation of the LB would be replaced with a glazed window. Whilst the existing doors are relatively modern, they are solid. There is no evidence before me to demonstrate that a glazed door has been present at any previous time in this location. The proposed glazed door would consequently be an inauthentic and alien addition lacking any clear historical justification.
16. A screen in the current lobby would be relocated to a position closer to the main entrance and the area given over to form a reception area. A door would be fitted into the new, glazed screen. The screen would divide the lobby area without regard to any historic building layout. However, as this is the relocation of an existing screen with similar effect, the overall effect on the significance of the LB would be neutral.
17. I note that an earlier oak staircase serving the building, which is partly dismantled and stored in that location, would be removed as a result. This would result in a loss of the earlier fabric of the building, albeit that storage of the materials could continue.
18. The staircase will lead to the first floor with a kitchenette replacing one of the WCs and access created through a blocked former doorway to a storage area above the lobby and reception. This will involve the removal of a section of 20th century walling that blocked up an historic opening. The rest of the first floor will remain substantially unchanged but the staircase will be continued to the second floor.
19. The proposal would remove partitioning installed as part of the 1992 conversion and reconfigure the layout with partitions featuring a large proportion of glazing. This would provide a greater feeling of spaciousness and appreciation of the earlier, more open layout of the ground floor.
20. A disused doorway connecting the lobby to the current office would be closed off and become a cupboard. This doorway is modern. These changes would not necessitate removal of older building fabric. I am satisfied that their appearance and impact could be controlled by suitably worded planning conditions.

21. Overall, I find that the proposed development would fail to preserve the special interest of the listed buildings. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
22. Paragraph 205 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. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the scale of change to the external appearance, that the roof trusses would remain largely visible, albeit separated visually by a floor and that the proposal also effects how the building is experienced, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
23. Paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings.
24. The proposal would provide additional floorspace for the current business operating from the LB. However, there is no evidence before me to demonstrate that the business is at risk without the proposed works.
25. Given the above and in the absence of public benefits that outweigh the harm that I have identified, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II* listed building. This would fail to satisfy the requirements of the Act, and conflict with Policies HA1 and HA7 of the East Herts District Plan (2018) that seek, among other things, to preserve and, where appropriate, enhance the historic environment, including listed buildings, and ensure that development meets the tests set out in national policy. As a result the proposal would not be in accordance with the development plan, so far as it is relevant.
26. The appellants argue that the 2010 permission, which is still extant, could be implemented in full and that it would have a greater adverse impact on the LB than the current proposal.
27. Externally and on the proposed second floor, the current proposal and the 2010 permission would have very similar effect.
28. However, the 2010 permission would breach a 15th century internal wall to create an opening close to an existing splayed window. It would again breach this wall on the first floor. Given the scarcity of buildings from this period and the evidential value of the wall in relation to the layout and legibility of the 1440 manor house, this fabric is clearly of exceptional historic interest.
29. The oak staircase would be re-used to form access to the first floor. However, in so doing there would be further loss of historic ceiling fabric to create the necessary opening and a number of historic joists would be removed to create the stairwell to the second floor. Whilst re-using historic fabric, there is no evidence before me to indicate that there was, historically, a stair in this location. It would consequently be an inauthentic addition lacking any clear historical justification.
30. Given the scale of change to the external appearance, the magnitude of loss and importance of the historic fabric, that the roof trusses would remain largely

visible, albeit separated visually by a floor and that the 2010 permission also effects how the building is experienced, I also find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.

31. In conclusion, whilst I find that the proposal would fail to preserve the special interest of the LB, the overall harm to the LB resulting from the current proposal would be less than that of the 2010 permission, were it to be implemented in full. However, given the prolonged intervening time period without full implementation, I place limited weight on the 2010 permission as a fall back position. I thus find that, on balance, the implementation of the 2010 permission does not provide a clear and convincing justification for the current proposal, and therefore the requirements of paragraph 206 of the Framework are not fulfilled.

Conclusion

32. For the above reasons and having regard to all other matters raised I conclude that the appeals should be dismissed.

I A Dyer

INSPECTOR