

Appeal Decision

Site visit made on 4 June 2024

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL
an Inspector appointed by the Secretary of State

Decision date: 26 June 2024

Appeal Reference: APP/A1910/W/23/3332531
158 High Street, Berkhamsted, Hertfordshire HP4 3AT

- 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 Ashtons Estate Agents against the decision of Dacorum Borough Council.
 - The application (reference 23/01525/FUL, dated 16 June 2023) was refused by notice dated 5 October 2023.
 - The development proposed is described in the application form as “removal of vertical glazing bar from Water Lane shopfront”.
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Decision

1. The appeal is allowed and planning permission is granted for “removal of vertical glazing bar from Water Lane shopfront”, at 158 High Street, Berkhamsted, Hertfordshire HP4 3AT, in accordance with the terms of the application (reference 23/01525/FUL, dated 16 June 2023), subject to the conditions set out in the attached Schedule of Conditions.

Main issue

2. The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the host building and its surroundings in the Berkhamsted Conservation Area.

Reasons

3. Berkhamsted is an historic market town in Hertfordshire, to the north of London but within easy reach of the capital. Its mediaeval castle is located to the north of the High Street and the town centre reflects the town’s history and evolution. The Berkhamsted Conservation Area covers the central part of the settlement as well as the ruins of Berkhamsted Castle and predominantly residential areas outside the central area.
4. Many buildings in the High Street are listed buildings, including some that are near to the appeal site, while other more modern buildings are generally in harmony with the style and scale of the surroundings. Some buildings in the vicinity are less sympathetic to the Conservation Area, however.
5. Church Lane runs roughly parallel to the High Street, from a point where the latter widens out at the junction with Water Lane. This appeal relates to a

building that stands at the junction of Water Lane and the High Street, between Church Lane and the High Street.

6. The building as existing is relatively modern but it has been designed to be in keeping with its surroundings in the Conservation Area, making use of traditional forms and materials. It is a two-storey structure, with a pitched roof that has a hipped end towards Water Lane. The building is primarily constructed of brickwork, especially above the ground floor, but much of the ground floor elevations to the High Street and Water Lane has been finished with a timbered shopfront design that incorporates classical architectural features.
7. Notwithstanding the design approach, the existing building has large windows on the entrance elevation, facing the High Street, and a large window in the end elevation, facing Water Lane. The window in the end elevation is set within a classical architectural surround and the glazed area is currently divided in two by a vertical glazing bar (or "mullion") that is part of the wooden window frame. The building is prominent in the townscape, due to its position facing the wider part of the High Street, but it is not out of place.
8. It is now proposed to remove the vertical glazing bar, to create a single window pane in this end elevation.
9. Provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas affected by development proposals. Other provisions in the Act impose obligations on those considering whether to grant planning permission for development that would affect the setting of a listed building and it is necessary to have special regard to the desirability of preserving the setting.
10. Those formal requirements in the primary legislation are reinforced by the 'National Planning Policy Framework', especially at Section 16, which emphasises the importance of conserving or enhancing the historic environment, though it also points out the desirability of putting a heritage asset to its "optimum viable use" as does the 'Planning Practice Guidance'. The 'Framework' was again revised in December 2023 but no changes have been made that would have a significant bearing on this appeal.
11. More generally, the 'National Planning Policy Framework' continues to emphasise the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history (while not preventing or discouraging appropriate innovation or change).
12. Policies in the Development Plan also support the underlying principles that are established in the primary legislation and the 'National Planning Policy Framework'. Particular attention is drawn to Policies in the Council's 'Core Strategy 2006-2031', which was formally adopted in September 2013.
13. Notably, Policy CS27 is specifically concerned with the "Quality of the Historic Environment" and it emphasises the importance of protecting and conserving

"heritage assets", with the aim to "positively conserve and enhance the appearance and character of conservation areas", among other things. Policy CS12 deals with the "Quality of Site Design", more broadly and requires development to satisfy a range of design criteria, including to integrate with the streetscape character.

14. The proposal to remove the existing central glazing bar in the end window of the appeal building would have only a very limited impact on the appearance of the building itself or on the wider streetscene. A larger window would be created in this elevation but it would not be dissimilar to others nearby, including the larger window that is to be seen in the main elevation of the appeal building.
15. The architectural design of the existing building and the details of the shopfront elevations are in harmony with the surroundings, while the colour scheme for the shopfronts enhances the overall concept. The removal of the central glazing bar would not detract from the overall quality of the building in the Conservation Area, in my view, and I am not persuaded that any material harm to the character or appearance of the Conservation Area would ensue. Nor would the scheme materially affect the setting of nearby listed buildings.
16. The proposed alteration would have only a minimal effect on the usefulness of the building and I am not persuaded that there would be a significant benefit deriving from the scheme. Nevertheless, I have concluded that the project would not have a materially harmful effect on the character and appearance of the host building and its surroundings in the Berkhamsted Conservation Area and that, therefore, it can properly be permitted. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
17. I have, however, also considered the need for conditions and I have concluded that conditions are necessary, to define the planning permission and to ensure that quality is maintained.

Roger C. Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - unnumbered Ordnance Survey Location Plan (1:1250);
 - drawing number TD23/AE08/01A (Proposed Shopfront);
 - drawing number TD23/AE08/02 (Proposed Plan);
 - drawing number TD23/AE08/EX01A (Existing Shopfront);
 - drawing number TD23/AE08/EX02 (Existing Plan).
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.