



Appeal Decision

Site visit made on 25 June 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2024

Appeal Ref: APP/A1910/W/24/3339353

Land to the rear of 23 High Street, Tring HP23 5AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made on behalf of Clement Developments Limited against the decision of Dacorum Borough Council.
- The application Ref is 23/02819/FUL.
- The development proposed is 2x two-bedroom dwellings together with parking and amenity space on land to the rear of Clement House, 23 High Street, Tring, HP23 5AH.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether or not the proposed development would preserve or enhance the character or appearance of the Tring Conservation Area and the effect of the proposed development on the setting of Clement House; and
 - whether or not the parking and access arrangements would be acceptable, including its effect on pedestrian safety.

Reasons

Character and appearance and setting of heritage assets.

3. The appeal site forms the rear part of the burgage plot of Clement House, a Grade II Listed Building. It is within the town centre of Tring, near the main shopping area and off High Street. It also lies within the Tring Conservation Area (the Conservation Area). The site is currently hard surfaced and used as parking and manoeuvring space.
4. The listing description for Clement House advises that the property was a house and then was used as the medical centre of the Rothschild Estate. I am aware that the building has consent for conversion of the ground floor to offices and the upper floors to residential. The building is three storeys, with a late-Georgian front and sits at the back of the pavement on High Street. It is an imposing building on the street frontage. To the rear of the frontage building is a row of smaller buildings which appear to be in residential occupation.
5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

6. The significance of the appeal site is its historic connection with the listed building. The site and surrounding area are made up of long burgage plots and the appeal site forms the rear of the plot associated with Clement House. The proposed development would, therefore, be within the setting of the listed building. The burgage plot would traditionally been used as ancillary space for the frontage building and, at the time of my visit, its use as parking and manoeuvring space retains this ancillary use.
7. Section 72(1) of the Act states that, with respect to any buildings or other land, in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character, or appearance of that area.
8. An understanding of the importance of the Conservation Area is supported by the Tring Conservation Area Character Appraisal and Management Proposals, March 2019 (the CAMP). The CAMP details the historic development of Tring and the characteristics which are of special architectural or historic interest. The Conservation Area as a whole is large and covers a wide range of buildings and areas. The significance of the Conservation Area is, in part, derived from its mixed character and built form, with short views of interest and character areas, and a strong relationship with Lord Rothschild.
9. In so far as it is relevant to the appeal, I consider that the significance of this part of the Conservation Area is mainly derived from the densely grouped buildings, historic burgage plots, back yards and outbuildings associated with the frontage buildings, the boundary walls enclosing the plots, and the buildings associated with Lord Rothschild. These features contribute positively to the character and appearance of the Conservation Area as a whole.
10. The appellant has referred to other character areas within the Conservation Area which have other features and development contexts. However, the appeal site lies within the central section of High Street where the CAMP notes that the historic layout, of densely-grouped buildings with deep plots and long rear ranges, has been retained better than in other areas. Consequently, I have considered the effect of the proposed development on the central section of High Street, as part of the Conservation Area as a whole.
11. The site currently contributes positively to the significance of the setting of the listed building and the Conservation Area by reason of reflecting the pattern of burgage plots to the rear of the properties along High Street. The CAMP notes the burgage plot walls at 23 High Street as an example of this feature of the Conservation Area. Contrary to the appellant's assertion, the appeal site, by reason of being within the Conservation Area and the setting of a listed building, is a sensitive location.
12. The existing parking and turning use, which I understand would be retained with the approved conversion of Clement House to office and residential use, would not harm the setting of the listed building and has a neutral effect on the Conservation Area.
13. The appeal proposes two number two-bedroom dwellings with a covered and linked carport, planted with a sedum roof. The location of the two dwellings would be on the rear section of the burgage plot, where it widens out.
14. The appeal proposal would run down the plot rather than across it and, in that regard, the layout of the development would reflect the grain of the burgage

plots and their historic development, as advised in the CAMP and as required by Saved Policy 120 of the Dacorum Borough Local Plan 1991-2011 (the LP). However, the proposed development would fill almost all of the depth and width of this part of the plot which would result in the development on most of the rear of the burgage plot to Clement House. This would result in a cramped and overdeveloped form and so harming the setting of the listed building.

15. Moreover, the proposed buildings would extend above the height of the boundary wall along the side of the site and also the adjacent outbuilding, albeit that the ridge heights would be lower than the adjacent nursing home building. The development would be overly dominant above the boundary wall and over dominate the other buildings in the rear of the burgage plots of the properties along High Street. These other buildings are, in the most, subservient in scale and appear as ancillary in form and function to the host buildings. Consequently, the proposal would not reflect the scale and proportion of other buildings in the rear of burgage plots, as required by Saved Policy 120 of the LP.
16. Furthermore, the roof shapes of both proposed dwellings, would not reflect other buildings in the immediate area and would not respect the traditional form of buildings which are of a simple form and design. The roof shapes, with the multiple gables and hipped sections, appear overly fussy and would draw the eye to the development, as viewed from the footpath and the surrounding properties.
17. Although other burgage plots have seen some development I have not been made aware of any sites where a similar form and scale of development has been carried out. Most of the burgage plot developments have followed the historic form of these plots and developed small-scale buildings to the rear, similar to the existing buildings attached to Clement House and the detached building in the adjacent plot. The built form, massing, and roof forms of the proposal, albeit subservient to the nursing home next to the site, would not respect this historic character of development and would, therefore, harm the Conservation Area.
18. Notwithstanding that the proposed materials would add some element of interest and indicate the appellant is willing to invest in flint and slate. These materials are proposed alongside facing brickwork and horizontal weatherboarding in an area where the buildings are built from a smaller pallet of materials. Moreover, although the buildings currently to the rear of 23 High Street are brick and have weatherboarded sides to the dormer windows, the proposed development would use the weatherboarding and flint in a form that is not currently found immediately around the site. The scheme would introduce a new form of use of these materials and not reflect the appearance of the Conservation Area.
19. I accept that views of the development would be very localised, and the development would not be visible from High Street or from Akeman Street. Nevertheless, the proposed development would be visible from the surrounding developments and from the public footpath running along the side of the site. From this public viewpoint the development would be visually prominent and would appear as built development across much of the site.
20. Although the Conservation Area can absorb modest and managed change the proposal for two dwellings on this site would not be modest and the change

would not be a positive addition to the Conservation Area. In my judgement, the proposal would be incongruous additions out of keeping with the character and appearance of the area and would not reflect the layout, design, character, or appearance of the other burgage plot development within the immediate area.

21. Consequently, the scheme before me is materially different to the appeal on Akeman Street referred to by the appellant¹. In that appeal the Inspector was considering a rooftop extension, replacing an existing flat roof, which included not insignificant setbacks on Akeman Street and the side elevations which limited the prominence and visibility of the development, particularly from street level. The Inspector also considered the other significant alterations that had previously occurred to the host building as material to the decision.
22. The development of two houses on the rear section of the burgage plot, which would be viewed within the context and setting of the listed building and would also be viewed from the listed building and the existing range of lower height buildings at the rear, in a form and scale that is not subservient to the listed building, would also cause harm to the setting of Clement House, detracting from the significance of this designated heritage asset.
23. The harm to the significance of the Listed Building arising from the impact on its setting, and also the harm to the Conservation Area, as a whole, would be less than substantial. In accordance with the National Planning Policy Framework (the Framework) great weight should be given to the conservation of the heritage assets. Paragraph 208 of the Framework advises that less than substantial harm should be weighed against the public benefits of the proposal.
24. The development would provide two additional dwellings with the associated social and economic benefits both during and post construction. It would also accord with the Framework aim to boost the supply of housing. The site would be located so that occupants of the appeal dwellings would have access to the services and facilities in Tring by foot or bicycle and therefore there would not be a dependence on the private vehicle for all journeys. However, as only two dwellings would be provided, even in an area where the Council is unable to demonstrate a Framework compliant supply of housing land, I attach limited weight to the public benefits of an additional single dwelling.
25. The Framework advises that any harm to the significance of a designated heritage asset should require clear and convincing justification and that great weight should be given to the asset's conservation, irrespective of the level of potential harm. The public benefits of the proposal are afforded limited weight and, therefore, would not outweigh the harm to the significance of the Listed Building and the harm to the Conservation Area.
26. For the above reasons, I find that the proposal would fail to preserve or enhance the character or appearance of the Tring Conservation Area and would adversely affect the setting of the Grade II Listed Clement House. It, therefore, follows that the proposal would be contrary to Policies CS11, CS12 and CS27 of Dacorum's Local Planning Framework Core Strategy, adopted 2013 (the CS) which, taken together seek to ensure that development respects the typical density of an area, enhances the general character, and respects adjoining

¹ APP/A1910/W/20/3261246

properties in terms of, amongst other matters, layout, site coverage, scale, height, bulk, and materials.

27. The development would also be contrary to saved Policies 119 and 120 of the LP which seek to preserve or enhance the character or appearance of the conservation area through, amongst other matters, ensuring development respects building lines, layouts and patterns, use materials and designs which are traditional to the area and complement its character, and be of a scale and proportion which is sympathetic to the scale, form, height and overall character and seeks to ensure that development, that is liable to affect the character of an adjacent listed building, is of such a scale and appearance that retains the character and setting of the listed building.
28. The proposal would also not align with paragraph 212 of the Framework which aims for new development within the setting of heritage assets and Conservation Areas to enhance or better reveal their significance and preserve those elements of the setting that make a positive contribution.

Parking, access, and pedestrian safety.

29. The appeal site is accessed directly from High Street via a narrow vehicular access to the side of Clement House. The site is currently used for parking and manoeuvring in association with the businesses and residential uses in Clement House and the buildings to the rear. At the time of my visit the access barrier was raised but there were only a few cars in the car park.
30. Policy CS8 of the CS seeks to ensure that all development contributes to a well-connected and accessible transport system through giving priority to pedestrians and cyclists over the private car. The supporting text to this policy advises that the Local Transport Plan is the delivery vehicle for transport improvements, including promoting safer roads and quality of life for residents, but that the Core Strategy seeks to support this. The Policy aims to ensure that other road users have priority over the private car, in that regard and contrary to the appellant's assertion, Policy CS8 of the CS is relevant and material to the appeal before me.
31. I acknowledge that emergency access is a matter for Building Regulations and that the appellant has been taking advice on this matter. I also accept that there may be other sites in the historic core of Tring with narrow accesses. However, I have not been made aware of any sites where the development is the same distance from the public highway and served by a narrow access.
32. Moreover, the appeal site currently provides parking and turning space for the existing uses in Clement House and the buildings to the rear and the plans indicate that parking would be retained for Clement House. While on site I saw a large delivery van enter the site, turn, and leave in a forward gear. However, the proposed development would remove the space available for turning anything larger than a large car, as shown on the proposed swept path analysis.
33. The proposed layout does not indicate turning space for vehicles that are parked elsewhere on the site, in the angled parking spaces indicated for Clement House or visitors. The development, along with the existing developments at Clement House, would increase the level of vehicle movements. The removal of the existing turning area would increase the risk of

vehicles, including cars, reversing out of the access onto High Street. The access onto High Street is between buildings that sit on the back of pavement and consequently pedestrian visibility is limited. Any vehicle reversing out of the site would not be able to see pedestrians on the footway or vehicles on High Street.

34. Although the principle of developing the site for some form of residential scheme would be acceptable, as agreed by both main parties, any such development would need to be able to provide appropriate turning facilities for all the uses served by the access, in accordance with paragraph 7.9 of the Dacorum Borough Council Parking Standards Supplementary Planning Document, November 2020 (the Parking SPD). This section of the Parking SPD is relevant to the appeal as the wider site includes non-residential uses and the development does not demonstrate adequate space for parking and manoeuvring.
35. Albeit narrow, from my observations on site, there is sufficient width at the access adjacent to 23 High Street for vehicles to manoeuvre and for pedestrians to walk. Moreover, vehicles would be travelling through this access and up the site slowly due to the narrowness of the junction. Consequently, although the proposed development would not give priority to pedestrians in terms of a designated route from High Street to the appeal site, it would not prevent the use of the access by pedestrians, or cyclists.
36. Nonetheless, that there would be space for pedestrians would not overcome the concerns regarding the lack of turning space for other vehicles other than the cars associated with the proposed houses. The increased risk of vehicles reversing would also increase the risk to pedestrian safety.
37. With the proposal indicating ten parking spaces, serving the existing buildings and the proposed two dwellings, there would also be a risk of conflict between vehicles and the increase in this conflict is compounded by the loss of the turning space. A vehicle reversing out of the site may not see a vehicle entering the site and I cannot be confident that there is sufficient space for two vehicles to pass if all of the parking spaces are in use. Consequently, although the proposed development would provide sufficient parking provision the parking arrangements would not provide a safe and satisfactory means of access for all users, as required by Policy CS12 of the CS.
38. For the above reasons, the parking and access arrangements would not be acceptable, including its effect on pedestrian safety. The proposed development would, therefore, be contrary to Policies CS8 and CS12 of the CS and Saved Policies 51 and 54 of the LP which, taken together seek to give priority to the needs of other road uses over the private car, provide sufficient, safe, and convenient parking, provide a safe and satisfactory means of access for all users, meet current standards for access, service arrangements and circulation space, and provide appropriate design and capacity of parking areas.
39. For the same reasons, the proposal would not comply with the Parking SPD, specifically paragraph 7.9, which requires all development to demonstrate there is adequate provision and space within the site for the parking, manoeuvring, loading, and unloading to meet the operational servicing requirements of the development.

40. The scheme would also fail to comply with Policy 5 of Hertfordshire's Local Transport Plan 2018-2031 which, amongst other matters, seeks to ensure that access arrangements are safe, suitable for all people, built to an adequate standard and adhere to the county council's Highway Design Standards.
41. Although the proposal would not result in severe residual cumulative impacts on the road network when assessed against paragraph 115 of the Framework, the scheme would result in increased vehicle movements and adversely affect highway safety, taking into account the advice in the policies within the CS, the LP, and the supporting documents. Accordingly, the proposal would be contrary to the advice at paragraph 114(b) of the Framework, which seeks to ensure that a safe and suitable access to the site can be achieved for all users.

Planning Balance

42. The appeal proposal would harm the character and appearance of the area, including the Tring Conservation Area and harm the setting of the Listed Building. I consider that the harm and policy conflict would be such that the proposal would conflict with the development plan as a whole. This is a matter to which I attach substantial weight.
43. The Council has confirmed that it is unable to demonstrate a five-year supply of deliverable housing land and have suggested a supply figure of less than two years. This is a significant shortfall. Paragraph 11(d) of the Framework sets out the presumption in favour of sustainable development. This includes, in summary, that where the policies which are most important for determining the application are out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The policies referred to in this part of the Framework are set out in footnote 7 and include designated heritage assets.
44. In this case, the appeal development would cause harm to the significance of the Conservation Area and the Listed Building, both of which are designated heritage assets, which would not be outweighed by the public benefits. This provides a clear reason for refusing the proposal. Consequently, the presumption in favour of sustainable development as set out in paragraph 11(d) of the Framework does not apply.

Other matters

45. That the development would not harm the living conditions of the occupiers of the neighbouring residential properties, notwithstanding the concerns raised by an interested party, is neutral and would not weigh for or against the development.
46. The loss of the existing tree could be mitigated through replacement planting and the development provides an opportunity to enhance biodiversity on the site. However, these benefits are of limited weight and would not outweigh the harm I have identified above.
47. Both main parties have also drawn my attention to pre-application advice that was sought by the appellant. However, that was for a different scheme to the proposal before me and, therefore, would not alter my decision on the main issues.

48. The appeal site lies within the zones of influence for the Chilterns Beechwoods Special Area of Conservation (SAC) and the effect of the development on the SAC was included as a reason for refusal. From the evidence before me the appeal scheme would result in a net increase in residential accommodation which could result in adverse effects upon the integrity of the SAC through increased recreational use.
49. As the competent decision-making authority, if I had been minded to allow the appeal, I would need to examine these matters further and undertake an Appropriate Assessment of the implications of the appeal scheme upon the SAC. However, as I am dismissing the appeal on other main issues, the outcome of an assessment would have no bearing on the overall outcome of the appeal. Therefore, it is not necessary for me to consider this matter further.

Conclusion

50. For the reasons given above I have found that the proposal would be contrary to the development plan as a whole, including the Framework. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR