

Appeal Decisions

Site visit made on 3 September 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2024

Appeal A: APP/J1915/W/24/3343771

59 High Street, Ware SG12 9AB

- 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 by Marlborough Opportunities Ltd against the decision of East Hertfordshire District Council.
 - The application reference is 3/23/2460/FUL.
 - The development is described as 'replacement windows and doors to front elevation - part retrospective.'
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Appeal B: APP/J1915/Y/24/3343765

59 High Street, Ware SG12 9AB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Marlborough Opportunities Ltd against the decision of East Hertfordshire District Council.
 - The application reference is 3/23/2461/LBC.
 - The works are described as 'replacement windows and doors to front elevation - part retrospective.'
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Decisions

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

Preliminary Matters

3. As the appeal site lies within a conservation area (CA) and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The appeal scheme is described as 'part retrospective'. However, the doors and windows have already been installed. Appeal A is therefore retrospective. It is not possible to apply retrospectively for works to a listed building. Appeal B therefore seeks retention of the works. The windows do

not require listed building consent, as 59 The High Street (No 59) is not a listed building.

Main Issues

5. The main issues are whether the retention of the windows and doors preserve a Grade II* listed building, known as 'Numbers 61, 61A, 61B and 63 including doorway to Number 59 (not included), 61 61A 61B 63, High Street' (the listed building) (Ref: 1237718) and any of the features of special architectural or historic interest that it possesses; and, whether the appeal scheme preserves or enhances the character or appearance of the Ware Conservation Area (CA).

Reasons

6. The listed building comprises of a small complex of buildings, which include 2 former inn sites, with interlocked subdivisions. The listed building is part early 15th century, with 17th, 18th and 19 century alterations. It is two storeys high and has a timber frame, jettied first floor, tiled roof and plaster finish. The ground floor of No 61 contains a carriageway, which has a mid-20th century infill and forms the entrance to the appeal property. While the doorway to No 59 does not form part of the listed building, it is attached to the listed building; hence the requirement for listed building consent.
7. Based on my site visit and the evidence before me, I find that the listed building's special interest, insofar as is relevant to these appeals is derived from its historic and architectural interest, as an illustration of 15th century architecture. The building's timber frame, jettied first floor, surviving historic fabric, use of traditional materials and its pleasing architectural style and design all make important contributions in these regards.
8. The appeal property is a three storey building. It has recently been converted from a bank into residential and office use. While the Council refers to No 59 as a non-designated heritage asset, the appeal site lies within the CA, which is a designated heritage asset.
9. 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 these appeals is derived from its diverse range of high quality historic buildings, which include commercial, residential and industrial architecture and historic marketplaces, which signify the town's evolution as a historic market town. The appeal property by reason of its architectural design and detailing is of historic interest and makes a positive contribution to the character and appearance of the CA. This contribution is recognised by the designation of No 59 as an 'unlisted building to be protected from demolition' within the Ware Conservation Area Appraisal and Management Plan July 2016.
10. The appeal property occupies a prominent position on the High Street and its front elevation, including its windows and doors are highly visible from the public realm. The former windows by reason of their traditional character, high quality materials, intricate detailing and the depth of the reveals made a positive contribution to the significance of the CA. The former door was of

no architectural significance and detracted from the character and appearance of the CA and the special interest of the listed building.

11. The appeal scheme seeks to retain the recently installed windows and doors. The appellant advises that the windows are a replica of the previous windows. However, it is clear from the evidence before me that the replacement windows are chunkier in appearance and this changes the proportions of the frames and harmfully erodes the intricate detailing, which was present on the former windows. The windows also lack the depth of reveals that the previous windows exhibited. The replacement windows by reason of their use of modern materials, chunkier profile and relatively flush appearance have a far more modern appearance than the historic windows and are out of keeping in the historic environment.
12. The appellant advises it would be possible to replicate the previous recessed appearance of the fixed lights and casements by adding planted on beading in hardwood. Based on the information before me, I do not find that this would adequately address the proportions of the windows, neither would it replicate the previous window material.
13. The previous doors had a steel frame and concrete surround and were heavily glazed. Given the extent of glazing, they appeared relatively lightweight and were not a prominent feature within the CA. The previous doors were also not dissimilar from other doors that I observed on commercial properties within the CA.
14. The replacement doors are 3 panel doors, with raised and fielded panels and a fanlight above, which is divided into 3 by non-structural glazing bars. The doors have been spray painted with a matt colour, which is not dissimilar to the colour of the joinery on the listed building. Nevertheless, the replacement doors are far more solid in appearance than the previous doors and utilise modern materials, which appear harmfully discordant within the historic environment. The provision of stuck on glazing bars also fails to respect the historic environment and the special interest of the Grade II* listed building.
15. I acknowledge that the Council considers that the replacement doors are an improvement over the previous doors. However, I find the replacement doors, by reason of their more prominent appearance and starkly modern materials fail to preserve the special interest of the listed building and the significance of the CA.
16. Consequently, the scheme fails to preserve the special interest of the Grade II* listed building and the significance of the CA, which derives much of its significance from the traditional architectural detail of the buildings within it.

Public Benefits

17. 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 the asset's conservation. Paragraph 206 advises that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm requires clear and convincing justification. Given the nature and extent of the scheme, I find the harm to

be less than substantial in this instance but nevertheless of considerable importance and weight.

18. Where a scheme leads to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the scheme, including, where appropriate, securing the asset's optimum viable use.
19. The investment into the property has a small economic benefit, which carries limited weight in favour of the scheme as a public benefit. The scheme improves the energy efficiency of the building, which is an environmental benefit. The appellant also considers the scheme provides improved office accommodation and more secure living accommodation. However, there is no compelling evidence before me why similar benefits could not be achieved through an alternative, less harmful scheme that better respects the historic environment. There is also no substantive evidence before me that the scheme is necessary in order to secure the optimum viable use of the asset.
20. Overall, I give limited weight to the public benefits of the scheme. Consequently, in attributing considerable importance and weight to the identified harm to the significance of the designated heritage assets, I find that there would be insufficient public benefits arising from the scheme to outweigh this harm.
21. Given the above, I conclude that, on balance, the scheme fails to preserve the special historic interest and significance of the Grade II* listed building and the significance of the CA. The scheme fails to satisfy the requirements of the Act and paragraph 203 of the Framework. The scheme also conflicts with Policies DES4, HA1, HA4 and HA7 of the East Herts District Plan October 2018 (the District Plan) and Policy W3 of the Ware Neighbourhood Plan. These policies among other things require that schemes: are of a high standard of design; preserve and where appropriate enhance the historic environment; preserve or enhance the special interest, character and appearance of the CA; use materials and adopt design details which reinforce local character and are traditional to the area; retain historic features, including windows; and sustain and enhance the significance of listed buildings.
22. As No 59 lies within the CA (which is a designated heritage asset), I do not find that Policy HA2 of the District Plan, which refers to non-designated heritage assets is applicable to this appeal.

Other Matters

23. Any subsequent enforcement action is a matter for the Council and not under consideration as part of these appeals.

Conclusion

24. For the above reasons and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

A James

INSPECTOR