

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: 19 September 2024

Appeal A: APP/J1915/W/24/3344777

56 St Andrew Street, Hertford, Hertfordshire SG14 1JA

- 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 Mr Andre Rideout against the decision of East Hertfordshire District Council.
 - The application reference is 3/23/2427/HH.
 - The development proposed is single storey rear extension with internal alterations.
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Appeal B: APP/J1915/Y/24/3344778

56 St Andrew Street, Hertford, Hertfordshire SG14 1JA

- 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 Mr Andre Rideout against the decision of East Hertfordshire District Council.
 - The application reference is 3/23/2428/LBC.
 - The works proposed relate to single storey rear extension with internal alterations.
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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 Council raises no objections to the replacement of the existing windows in the single storey rear projection with new double glazed windows. Based on the evidence before me and my site visit, I find no reason to reach a contrary conclusion to the Council on this matter.
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5. To the west of the appeal site is '58 and 60, St Andrew Street' (Ref: 1268747), which is a late 16th century, Grade II listed building. To the east is '54, St Andrew Street' (Ref: 1268745), which dates back to the late 18th/early 19th century and is also Grade II listed. Opposite the site is a Grade II listed building, known as 'Cawthorne' (Ref: 1268743), which dates back to the late 16th/early 17th century. The 'Church of St Andrew' (Ref: 1268748), with associated features/structures¹ lies on the opposite side of the road and are Grade II listed. I have had special regard to the desirability of preserving the setting of these listed buildings and other listed buildings within the locality in the determination of these appeals and I am satisfied that there would be no harm to the special interest of nearby listed buildings through changes to their setting.

Main Issue

6. The main issue is whether the proposal would preserve a Grade II listed building, known as '56, St Andrew Street' (Ref: 1268746) and any features of special architectural or historic interest that it possesses.

Reasons

7. 56, St Andrew Street is a two storey townhouse, with attic accommodation, which dates back to the early/mid-18th century and contains 20th century alterations. It is constructed of red brick, with some grey headers. The rear elevation is plastered. The listed building has a distinctive double gabled 'M' roof form. It also has a two storey rear projection, which the listing description refers to as Victorian, although the appellant considers that it could be Edwardian. The two storey rear projection contains traditional, timber framed sash windows on the ground and first floor, which feature historic ironmongery. The building also has a single storey rear projection, which is finished in white weatherboarding. The Council advises that the single storey rear projection was formerly a detached outbuilding, which was linked to the dwelling in the 20th century.
8. Based on my site visit and the evidence before me, I find that the listed building's special interest and significance insofar as is relevant to these appeals is derived from its historic and architectural interest as an illustration of 18th century, Georgian, domestic architecture. The building's historic fabric, its pitched roofs, the symmetry of the two storey rear projection, use of traditional materials, the legibility of its historic plan form and its pleasing architectural style make important contributions in these regards.
9. The property has evolved over time and this has led to a variety of structures and forms on the rear elevation. The two storey rear projection forms part of the historic evolution of the property and its symmetrical form and large, timber sash windows contribute to the special interest of the listed building.
10. The proposal seeks to erect a 'L' shaped, contemporary, single storey extension, which would wrap around two sides of the two storey rear projection and infill the gap between the single storey and two storey rear projections. While the proposed extension would be set in from the side

¹ 'Boundary Railings to St Andrews Churchyard' (Ref: 1268982), 'Churchyard Wall to Church of St Andrew' (Ref: 1268749) and 'War Memorial in North Churchyard, Church of St Andrew' (Ref: 1268750).

elevations of the property and not extend as far rearwards as the existing single storey rear projection, it would be wider and out of scale with the two storey rear projection in which it would be attached.

11. The appellant's Heritage Consultant considers that the windows within the two storey rear projection are over-sized and appear awkward. The extent of glazing proposed on the rear of the extension would be larger and out of proportion with the existing fenestration on the property. I appreciate that the use of render and cast iron downpipes would complement the existing building and that the roof could be tied in with the surrounding flashings. I also acknowledge that matters of aesthetic can be highly subjective. However, I find that the proposed extension, by reason of its box like structure, shallow pitched roof and the size and siting of the fenestration would fail to respect the architectural integrity of the listed building. The proposed roof design would also harmfully jar with the generally more traditional roof forms found on the listed building and the proposal would erode the sense of symmetry that the existing two storey projection currently exhibits.
12. Furthermore, I find that the use of powder coated aluminium for the French doors by reason of its use of modern materials would harmfully discord with the more traditional materials found on the listed building.
13. To facilitate access to the new extension, the proposal would result in the loss of the ground floor timber framed, sash windows, which contains historic fabric, including historic ironmongery. The proposal would also require the removal of a number of brick courses below the existing ground floor windows, which would result in the loss of further historic fabric. I appreciate that the appellant intends that the proposal is carried out sensitively, in accordance with conservation good practice. The works would also not impact any Georgian interior features. However, the proposal would result in the loss of historic fabric, which would be harmful to the special interest of the listed building.
14. The proposed extension would obscure part of the historic rear elevation and two storey rear projection. The proposal would result in further incremental extension to the rear of the property, which would erode the legibility and architectural integrity of the listed building.
15. I appreciate that the proposal is modest in size and would be subservient to the listed building. It would also be sited to the rear of the property and not visible in public views. Nevertheless, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
16. For the reasons given above, I find that the proposal would fail to preserve the special interest of the listed building and would harm the significance of this designated heritage asset.
17. Paragraph 205 of the National Planning Policy Framework 2023 (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 should require clear and convincing justification. Given the nature and extent of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.

18. Where a proposal would lead 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 proposal, including, where appropriate, securing the asset's optimum viable use.
19. The proposal would provide enhanced and more modern living accommodation. It would also improve the circulation space within the building. However, these are solely private, as opposed to public benefits.
20. The proposal would result in investment into the property, which would have a small economic benefit. The proposal would also improve the energy efficiency of the dwelling, which would be an environmental benefit. These factors carry limited weight in favour of the proposal as public benefits.
21. There is no compelling evidence before me to suggest that the use of the building as a residential dwelling would cease in the absence of the proposal. Consequently, I do not find the proposal necessary to secure the viability and long-term conservation of the building. There is also no substantive evidence before me that the proposal is necessary in order to secure the optimum viable use of the asset.
22. Overall, there would be limited public benefits from the proposal. Consequently, in attributing considerable importance and weight to the identified harm to the significance of the designated heritage asset, I find that there would be insufficient public benefits arising from the proposal to outweigh this harm.
23. Given the above, I conclude that, on balance, the proposal would fail to preserve the special interest and significance of the listed building and would fail to satisfy the requirements of the Act and the historic environment protection policies of the Framework. The proposal would also conflict with Policies HA1, HA7, HOU11 and DES4 of the East Herts District Plan October 2018. These policies among other things require that development proposals preserve and where appropriate enhance the historic environment; sustain and enhance the significance of listed buildings; not have any adverse effect on the architectural and historic character or appearance of the building; and are of a high standard of design, which is appropriate to the character and appearance of the dwelling.

Other Matters

24. The appeal site lies within the Hertford Conservation Area (CA). Both parties agree that the proposal would not harm the significance of the CA. Nevertheless, I have had special regard to the desirability of preserving or enhancing the character or appearance of the CA in my decision. Despite the harm that would be caused to the listed building, I do not find that the proposal would be detrimental to the character or appearance of the CA. This is because the proposal would not be visible from the public domain and would only have limited prominence from the private domain. Under such

circumstances case law² has established that proposals must be judged according to their effect on a CA as a whole and must therefore have a moderate degree of prominence. Given the above, I find that the proposal would not be detrimental to the CA and thus preserve its significance.

25. The appellant refers to extensions and alterations to listed buildings and contemporary developments in the locality. However, there are limited details before me of the other schemes. Nevertheless, I am required to determine these appeals on their own merits.

Conclusion

26. 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

² South Oxfordshire DC v SSE & J Donaldson [1991] CO/1440/89