



**Planning Inspectorate**  
**Department of the Environment**

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PLANNING DEPARTMENT					
DACORUM BOROUGH COUNCIL					
Your Reference					Ack.
PLANNING	D.P.	D.C.	B.C.	Original	Reference
Date					T/APP/A1910/E/89/804660/P7
27 FEB 1990					2 FEB 90
Comments					

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SCHEDULES 9 AND 11  
 APPEAL BY CONNELL ESTATE AGENTS  
 APPLICATION NO: 4/0202/89LB

- I have been appointed by the Secretary of State for the Environment to determine your clients' appeal. This appeal is against the decision of Dacorum Borough Council to refuse listed building consent for the erection of external fixed sunblinds on land at 45 Marlowes, Hemel Hempstead, Hertfordshire. I have considered all the written representations made on behalf of your clients and the council. I inspected the site on Wednesday 3 January 1990.
- The proposed blinds are advertisements with deemed consent under Regulation 6 of the Control of Advertisements Regulations 1989 and they also benefit from deemed planning permission by virtue of Section 64 of the 1971 Act. My concern therefore in this case, is solely with the application for listed building consent. From the representations made and from my inspection of the site I conclude that the main issue in this appeal is whether or not the proposed sunblinds would adversely affect the character and appearance of the Grade II listed building of 45 Marlowes and the area overall.
- The appeal premises are on a south-west facing corner and the proposals made to shade the interior and protect the window displays from damage by sunlight, are for square backed 'Dutch' patterned sunblinds extending across almost the full width of the frontage to Marlowes and over the full width of the window opening on the return frontage.
- The strongly linear town centre of Hemel Hempstead extends northwards on the east bank of the River Gade from a large traffic roundabout at the junction of the A414 and A416 highways. At the southern end the centre comprises extensive modern retailing floorspace in Marlowes and at the northern end is old development in the High Street. Between the 2 lies an area in Marlowes given over, for the most part, to civic and office uses.
- No 45 Marlowes, located within the civic and office area on the north-east corner of the junction of Midland Road with Marlowes, consists of an older 3-storey core in office use with the main front wall some 8.5 m or so back from the back-of-pavement of Marlowes and the south flank wall standing on the back-of-pavement of Midland Road. Attached to the north flank wall is a more recent 1½ to 2-storey side addition under a parapetted roof extended forward as 2 single storey shops under flat parapetted roofs. The older core is an 18th Century building remodelled early in the 19th Century as a double-fronted Regency house with 2 full height semi-circular bays under a parapetted roof.

6. The north side of 45 Marlowes is adjoined by a 2-storey plus attic Victorian house with 3 bays in office use on the same line as the core of No 45 and with a single storey front extension in use as a building society office. Surrounding development on the east side of Marlowes includes a number of listed buildings, mainly in office use and a number of purpose built office blocks. On the west side of Marlowes is a health centre, theatre, the Town Hall, a college and a number of other civic buildings.

7. An important element in the length of the town centre is the interval between the 2 sets of retail spaces. This interval, formed by the contrast there is between the carefully planned, open spacious quality of the series of buildings around the Town Hall on the west side of Marlowes and the more densely packed wall of mainly offices in old and new buildings on the east side, serves to emphasise the separation of the shopping areas and give space and character to the street as a whole. Although that part of the listed building to which the proposed blinds are to be attached is of recent construction it is simple and of good proportions according well with the older facade.

8. Of themselves the proposed blinds are acceptable and I note that the council consider that in a different location the proposals might well be acceptable. But in this case the proposed blinds are extensive and by their conformation alter the configuration of the shop windows. They also alter the proportions of the road frontage elevation, project forward of both shop faces, almost meeting at the angle and are unlike any other feature on the frontages in the immediate vicinity.

9. Because this part of the listed building is set on a corner well clear of the principal facade of the listed building and well forward of the principal line of buildings they are prominent in the street scene, especially when seen from the south. Were 2 blinds of the size, bulk, scale and conformation proposed to be installed as proposed they would, in my opinion, seriously detract from the listed building to which they are to be attached and from this part of Marlowes and it would be wrong to allow them.

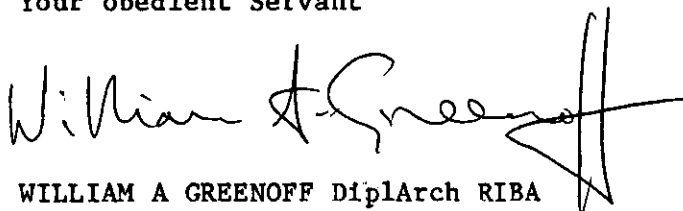
10. I note that the colour of the blinds would be similar to that at present in use on the 2 sets of facias on each facade with lettering to replace that lost to view on each of the lower facias when the proposed blinds are in use. I also note that a nearby building in Marlowes, not on the statutory list but formerly considered as Grade III has been demolished and the site redeveloped with offices.

11. I have considered the enforcement case in St Albans brought to my notice but it is not so similar to the appeal proposal that a parallel may be drawn. Moreover I have considered the several other blinds photographed in Marlowes and the High Street and again consider that none is so similar to the appeal proposal that a parallel may be drawn.

12. I have taken account of all the other matters raised but they are not sufficient to outweigh the considerations that have led me to my conclusions.

13. for the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Sir  
Your obedient Servant



WILLIAM A GREENOFF DiplArch RIBA  
Inspector

DC.12

TOWN AND COUNTRY PLANNING ACT 1971  
BUILDINGS OF SPECIAL ARCHITECTURAL  
OR HISTORIC INTEREST

AJP

Town Planning 4/0202/89LB  
Ref No .....

Other Ref No .....

THE BOROUGH COUNCIL OF DACORUM IN THE COUNTY OF HERTFORD

To: Connells Estate Agents  
19 High Street  
Hitchin  
Herts

Installation of sunblinds  
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.....  
at 45 Marlowes, Hemel Hempstead  
.....  
.....

Description and  
Location of  
proposed works

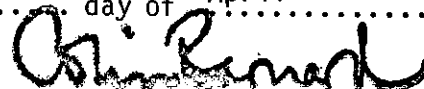
In pursuance of their powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder the Council hereby refuse the grant of Listed Building Consent to the works described above and proposed by you in your application dated ..... 31 January 1989 ..... and received with sufficient particulars on ..... 1 February 1989 ..... and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse Listed Building Consent for the works proposed are:

The proposed works would, by reason of their design and appearance, detract from the Grade II Listed Building and prove injurious to the visual amenity of the area.

Dated ..... 5 ..... day of April ..... 19... 89

Signed



CHIEF PLANNING OFFICER

## NOTES

1. If the applicant is aggrieved by the decision of the local planning authority to refuse Listed Building Consent for the proposed works, or to grant consent subject to conditions, he may, by notice served within six months of receipt of this Notice, appeal to the Secretary of State for the Environment in accordance with paragraph eight of Schedule 11 to the Town and Country Planning Act 1971. Appeals must be made on a form which is obtainable from the Department of the Environment, Tollgate House, Houlton Street, Bristol, BS2 9DJ). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
2. If Listed Building Consent is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the Council of the district in which the land is situated, a Listed Building Purchase Notice requiring that Council to purchase his interest in the land in accordance with the provisions of s.190 of the Town and Country Planning Act 1971.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in s.171 of the Town and Country Planning Act 1971.