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Ref.						Ack.	
DoP	T.C.P.M.	D.P.	D.C.	B.C.	Admin.	File	
Received		24 FEB 1992					
Comments							

Your reference:

Council reference:

4/0362/91EN

Our reference:

T/APP/F/91/A1910/600553/P6

Date 21 FEB 92

Sir

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990, SECTION 39 & SCHEDULE 3
PLANNING AND COMPENSATION ACT 1991
LAND AT 63 HIGH STREET KINGS LANGLEY HERTFORDSHIRE

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against a listed building enforcement notice issued by the Dacorum Borough Council concerning the above mentioned land. I have considered the written representations made by you, the Council and also those made by interested persons. I inspected the site on the 27th January 1992.
2.
 - a. The notice was issued on the 11th December 1990.
 - b. The breach of control alleged in the notice is the installation of rooflights, the installation of an unauthorised dormer window and alterations to the roof.
 - c. The requirements of the notice are the removal of the rooflights and the unauthorised dormer window, and the reinstatement of the roof with natural slates.
 - d. The period for compliance with the notice is 3 months.
3. Your appeal was made on the grounds set out in section 39(1)(e) and (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 prior to its amendment by the 1991 Act; that is to say, that listed building consent ought to be granted for the works and that the period specified in the notice as the period within which any step required by the notice is required to be taken falls short of what should reasonably be allowed. As you have also made representations on the extent of the works required by the notice, I intend to consider your appeal on ground (g), that is to say, that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out.

BUILDING AND SURROUNDINGS

4. No 63 High Street is a two-storey house of special architectural or historic interest, listed Grade II, situated on the east side of the main street (A41) within the Kings Langley Conservation Area. The short terrace of Nos 63-67 High Street is listed as being mid-19th century houses built of knapped flint and brick banded walls, with a slate roof, box eaves, sash windows and a round arched doorway to No 63. Lying at the southern extremity of the shopping area of Kings Langley, there are older buildings to the north and a terrace of fairly modern houses to the south

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RECYCLED PAPER

of row of three houses. The busy A41 passes the frontage, whilst to the rear there is an area of modern housing development.

APPEAL ON GROUND (e)

5. From my inspection of the site and its surroundings, from the representations received and bearing in mind the policies contained within the Dacorum District Plan, I find that the main issues to be decided in this appeal are whether the retention of the unauthorised works would preserve the listed building, and whether it would preserve or enhance the character or appearance of the Conservation Area.

6. In considering these issues, I note that your previous appeal against the decision of the Council to refuse listed building consent for the "Velux" windows and the rear dormer window was dismissed by another Inspector on the 29th April 1991. I do not dissent from the Inspector's findings with regard to the same issues. I too regard the rooflights as discordant elements in an otherwise intact traditional front elevation to the three listed houses facing High Street, and the large rear dormer window with a flat roof as being a prominent and unsympathetic addition to the listed terrace as seen from the cul-de-sac, The Orchard.

7. These additions to the roof of the listed building are contrary to the advice given in Circular 8/87 - Historic Buildings and Conservation Areas - Policy and Procedures in that they disrupt the historic roof line of the terrace of houses and the continuity of the traditional slate roofs, and I conclude therefore that the retention of these features would harm the historic character of the listed building and its adjoining neighbours. Apart from two converted buildings along Church Lane, there are remarkably few similar roof lights on buildings along High Street in the core of the Conservation Area. As these rooflights and the dormer are easily seen from both front and rear of the building, I conclude that due to their unharmonious nature their continued presence would fail to preserve the appearance of the Conservation Area. Accordingly your appeal on ground (e) fails.

APPEAL ON GROUND (g)

8. Although not repeated in your section 39 appeal, your incorrect section 174 appeal form, submitted earlier, contained an appeal on ground (g), that the steps required by the enforcement notice to be taken exceed what is necessary to remedy any breach of planning control. You also contend in later statements that flush fitting "Velux" windows would not be obtrusive and could be fitted, as an alternative to the reinstatement of the roof slates. However, as the notice was served under section 38(2)(a) with the aim of restoring the building to its former state, such alternatives do not fall to be considered. I take the view therefore that such an appeal on ground (g) would have failed in this case.

APPEAL ON GROUND (h)

9. You claim that a year should be allowed for compliance on grounds that, financially, it is a more reasonable period than three months. Although this may be true, it is not a proper basis for the requirement of an enforcement notice. However, as the steps required by the notice involve works to the roof of your house, for which you will need to obtain tenders, and carry out the reinstatement works in reasonable weather, I consider that a period of 6 months would be more appropriate. To this extent therefore your appeal on ground (h) succeeds, and I shall vary the notice accordingly.

10. In reaching my decision on your appeal I have taken into account all other matters raised, but I have found nothing of more importance than the main issues in my consideration of your grounds of appeal.

FORMAL DECISION

11. For the above reasons, and in exercise of the powers transferred to me, I hereby direct that the period for compliance be varied by the deletion of the words "three months" and the substitution thereof by the words "six months". Subject to this variation, I hereby uphold the notice and dismiss your appeal.

RIGHT OF APPEAL AGAINST DECISION

12. This letter is issued as the determination of the appeal before me. Particulars of the rights of appeal against the decision to the High Court are enclosed for those concerned.

I am Sir
Your obedient Servant

C. I. Cochrane

C I COCHRANE DipArch MSc MRTPI
INSPECTOR