



The Planning Inspectorate

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Received

23 SEP 1992

Michael Walden Associates

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BERKHAMSTED

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Comments

Your reference:

Council reference:

4/0788/92

Our reference:

T/APP/C/92/A1910/621376/P6

Date: 22 SEP 92

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 174 AND SCHEDULE 6

PLANNING AND COMPENSATION ACT 1991

APPEAL BY MR E A HEXT

LAND AND BUILDINGS AT 250 HIGH STREET, BERKHAMSTED

1. I have been appointed by the Secretary of State for the Environment to determine your client's appeal against an enforcement notice issued by the Dacorum Borough Council concerning the above mentioned land and premises. I have considered the written representations made by you and by the Council, and also those made by Richard Page MP and by interested persons. I inspected the site on 7 September 1992.

2. a. The notice was issued on 7 May 1992.

b. The breach of control as alleged in the notice is the erection without planning permission of an external security grille and surrounding frame at the front of the shop premises.

c. The requirements of the notice are:

- (i) to remove the external security grille and associated framework from the shop front;
- (ii) to make good the surface of the shop brickwork in a material to match the colour of the surface material.

d. The period for compliance with these requirements is 2 years.

3. Your client's appeal is proceeding on ground (a) of S.174(2) of the 1990 Act as amended by the Planning & Compensation Act 1991, that is to say, that in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted.

4. From my inspection of the site and its surroundings and from the representations made, I consider the main issue in this case is whether the impact of the external security grille on the character and appearance of the Conservation Area is unacceptable, bearing in mind the need to ensure the security of the premises.

5. The appeal premises is located in the western section of the High Street, and comprises a shop selling sports equipment and clothing which occupies the centre unit of a small modern block of 3 shops with 2 floors of residential

above, set back behind the general building line. To either side are older, mostly 2-storey buildings in retail and commercial use, albeit with a number of vacant units. The blue powder-coated steel roller shutters which cover the whole of the shopfront outside trading hours were fitted following considerable losses of stock and damage to the premises sustained in a series of "ram raids" by thieves using stolen cars over the period November 1990 to July 1991.

6. The appeal site lies within the Berkhamsted Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires consideration to be given to the desirability of preserving or enhancing the character or appearance of a Conservation Area and this requirement is reflected in the policies of the County Structure Plan Alteration and the Deposit Draft of the Dacorum Borough Local Plan. The Council argues that the security grille is unacceptable in the Conservation Area because it is visually intrusive and out of keeping with the generally attractive character of the street scene and creates an intimidating and fortress-like atmosphere. The vivid blue colour of the grille draws attention to it and increases the adverse impact upon the Conservation Area.

7. Although the security grille has myriad tiny perforations which permit a limited view into the shop interior, it presents when closed an essentially solid appearance to the street and eliminates casual observance of the shop front and window display. I consider it to be an unsympathetic feature whose solid barrier-like appearance and intrusive colour does not enhance the street scene and has a somewhat intimidating character. I also note that, with the exception of an open mesh grille on a jeweller's shop in Lower Kings Road, there is currently an absence of external security screens elsewhere in the Conservation Area. Nevertheless there are in this case a number of other factors to be weighed in the balance with the impact of the screen on the street scene and the Conservation Area.

8. The Berkhamsted Conservation Area embraces a wide variety of architectural styles and buildings from every period which nevertheless have blended into a generally harmonious character. However, this is not the case with the modern block in which the appeal premises are located, which is a wholly undistinguished building, arbitrarily set back from the building line, which in my view has a disruptive visual impact upon the street scene. There is also a larger modern block of shops and offices is located on the opposite side of the High Street. Consequently, I regard this part of the Conservation Area as more mixed in character and, were it not for the intrusive colour of the security grille, it would in my view have only a limited impact, outside trading hours, upon the overall character of the Conservation Area. While the colour of the grille is consistent with that of the shop's fascia blind and matches that of the adjoining charity shop, the large unbroken area of light blue grille is unacceptable. I am satisfied, however, that this could be overcome by a planning condition requiring a more recessive colour. I have noted your point that the grille has an epoxy powder coated finish applied by the manufacturer which you say would be impracticable to change, but in my view this change is essential if the grille is to be permitted in the Conservation Area.

9. I appreciate the need for the premises to be adequately protected against ram raiders, bearing in mind the vulnerability of the stock to this type of theft, and am conscious that the security grille was installed at the behest of your client's insurers. The Council maintains that alternative security measures of comparable or greater effectiveness are available which would be

more acceptable in a Conservation Area. However, the possibility of measures resulting from the Pre and Post By Pass Study would clearly be too long term to be relevant in the present case, there is no certainty that bollards or other physical obstructions would be acceptable on the public highway and no clear evidence as to the relative effectiveness and feasibility of fitting an internal security grille. Against this is the fact that no further ram raids have taken place to date since the fitting of the external grille.

10. I have concluded that, while the security grille certainly does not enhance the character or appearance of the Conservation Area, nor strictly even preserve it, the degree of harm in this more mixed part of the Conservation Area, bearing in mind the unsympathetic character of the existing building, is not so significant as to outweigh the real and urgent need for security to protect the premises. I recognise that without such security there would be a real risk of the business having to close down, adding to the number of vacant premises in the vicinity whose unattractive appearance in my view causes greater harm to the Conservation Area. My conclusion, however, is dependent upon the substitution of a less intrusive colour and I am imposing a condition requiring this.

11. I have taken account of all the other matters raised in the representations, including the view of the Hertfordshire Building Preservation Trust that external shutters of non-traditional origin are generally undesirable in Conservation Areas, but they do not outweigh the considerations that have led to my decision.

FORMAL DECISION

12. For the above reasons, and in exercise of the powers transferred to me, I hereby allow your client's appeal, direct that the enforcement notice be quashed, and grant planning permission on the application deemed to have been made under Section 177(5) of the 1990 Act for retention of an external security grille and surrounding frame at the front of the shop premises at 250 High Street, Berkhamsted, subject to the following condition:

1. Within 3 months of the date of this letter the external security grille hereby permitted shall be finished in a colour to be agreed in writing with the local planning authority.

13. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

14. The developer's attention is drawn to the enclosed note relating to the requirements of The Buildings (Disabled People) Regulations 1987.

15. This letter does not convey any approval or consent required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

RIGHT OF APPEAL AGAINST DECISION

16. This letter is issued as the determination of the appeal before me.

Particulars of the rights of appeal to the High Court are enclosed for those concerned.

I am Gentlemen
Your obedient Servant

C. J. Craig

C J CRAIG MA(Oxon), MPhil, MRTPI
Inspector