



**Department of the Environment**

*Eastern Region*

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Your reference  
CM.77102

Our reference  
EL/5252/411/3

Date

16 May 1978

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971  
APPLICATION FOR LISTED BUILDING CONSENT  
NO 45/47 HIGH STREET, HEMEL HEMPSTEAD, HERTS

1. I am directed by the Secretary of State for the Environment to say that consideration has been given to the report of the Inspector, Mr K Dodds ARIBA, DipTP MRTPI who held a local inquiry at the Civic Centre, Hemel Hempstead on 22 March 1977, into an application made by Messrs McMullen & Sons Ltd for listed building consent to demolish No 45/47 High Street, Hemel Hempstead. The application was referred to the Secretary of State for decision under paragraph 4 of Schedule 11 to the Town and Country Planning Act 1971.

2. The Inspector in his report came to the following conclusions:

"I am of the opinion that despite the importance of the building and the major contribution it makes to both the street scene and the conservation area (each of outstanding quality) the combination of an advanced state of decay, inherent and fundamental structural weaknesses, and fungal degradation of much of the timber construction removes all possibility of preserving 45/47 High Street in its present form. Repairs to brickwork and the replacement of defective structural members would not, in themselves, render the building fit for re-occupation. I am satisfied that almost complete reconstruction would be needed before the premises could be used again - works which would have to go well beyond mere restoration.

The property obviously cannot be left indefinitely in its present dangerous condition detracting from the appearance of the improved High Street - especially when it is to be further disfigured by the erection of scaffolding. The choice lies between forming a replica of a building designed to meet the needs of an earlier era or providing the purpose built accommodation which the applicants want. As regrettably this important prominent listed building cannot be saved, I find the public interest would best be served by making the most advantageous use of the site and adopting the second option. To do this means granting consent to the application.

At their request I recorded in detail submissions by the Dacorum Environmental Forum on certain matters, but as these deal with policy and legal issues, it would not be proper for me to comment on them as they fall outside my purview. In reaching my conclusions and making my recommendation, I had regard to the advice contained in Circular 23/77 and in particular the criteria set out in paragraph 63."

3. The Inspector recommended that listed building consent be granted for the demolition of No 45/47 High Street, Hemel Hempstead.

4. After very careful consideration of the Inspector's report, it appeared to the Secretary of State that the main importance of this building lay in the major contribution its facade made to the street scene of the High Street, and that the accommodation behind the High Street facade was of lesser importance, both intrinsically and in its contribution to the conservation area. Whilst accepting that the building was in an advanced state of decay, that there were signs of major structural weakness, and that complete restoration and repair would be costly, he nevertheless was of the opinion that if at all possible at least the facade should be retained as he considered that its loss would seriously impair the character and importance of the High Street.

5. The Secretary of State was therefore disposed to disagree with the Inspector's conclusions and not to accept his recommendation. However, before finally reaching his decision he wanted to consider any further representations which your clients and others wished to make. Accordingly, he wrote to you and others on 30 November 1977, and asked that, if you wished to make representations in respect of the proposal to give consent to the demolition of the building subject to the retention of the facade or to have the inquiry reopened, you should do so within 21 days from the date of the letter. (The scope of the inquiry if reopened would be limited to an examination of the matters in paragraph 4 above).

6. It was explained that the term "facade" was to be construed as including the exposed side wall of the projection facing southwards into the High Street, the chimney adjoining this projection, and the shop fronts.

7. In accordance with Rule 12 of the Town and Country Planning (Inquiries Procedure) Rules 1974, the other parties who were afforded an opportunity to make representations and request a reopening of the inquiry were the Dacorum District Council and the Hertfordshire County Council.

8. On 8 December 1977 the Hertfordshire County Council replied to the Secretary of State and summarised, inter alia, their views. They made the following points:

1. it was agreed by almost everyone that the front facade, roof, chimney and side wall were important features in the street and should be retained. The whole of the front facade, side wall, chimney and shop front could be retained and restored.
2. the building was statutorily listed Grade II and should not be demolished;
3. the building was in a conservation area which it was the duty of all to conserve and enhance, not erode and destroy;
4. there was no argument that the rear of the building was in poor shape and this could be demolished; and
5. a preserved, restored and rejuvenated 45/47 front portion would be a positive step in the improvement and enhancement of the High Street Conservation Area.

9. On 15 December 1977 the Dacorum District Council replied, saying that they considered that the main matter of importance was to ensure that there was no visual loss to the overall street scene of the High Street. The need seemed to be for rebuilding to a suitable design to be encouraged to take place as soon as possible so that the present disfiguration of the street scene by scaffolding was replaced by a building of sympathetic appearance. It was thought that this was more likely to be achieved by the granting of listed building consent in accordance with the Inspector's recommendation than by a conditional permission which sought to require the retention of the existing facade, necessitating such repairs that it would mean, to all intents and

purposes, its rebuilding. In their view control of the design of the facade of any new building, so as to secure no loss to the street scene, would result from the need for planning permission to be obtained for any replacement building.

10. On 19 December 1977 the Secretary of State agreed in writing to your clients' request that the period be extended to 10 January 1978 during which time your clients and the other parties could make representations.

11. On 9 January 1978 you made representations on behalf of your clients and enclosed a report dated 6 January 1978 prepared by your clients' consulting structural engineers, Norman Crossley & Partners. The points made on behalf of your clients were that:- at the time of the public inquiry they and the District Council had been concerned about the stability of the building in its decayed condition and the attendant risks to the public and as a result a temporary scaffolding shoring scheme had been drawn up and had been now erected. Further works had been necessary to provide a temporary roof covering required as a result of the fire in your clients' adjoining property. In erecting the scaffold it had been necessary to strip much of the existing ceiling and timber floor boarding, which had resulted in the basic structural elements in the front section of the building being exposed, which meant it could now be examined much more closely than at the time of the inquiry. The scaffold had also provided access for a close inspection of the facade brickwork externally, which had not previously been possible. The worst fears expressed by Norman Crossley & Partners at the inquiry could now be seen to be well founded. In their opinion it was now clear that the condition and size of the existing floor joists and their supporting bressummers were totally unacceptable for inclusion in any new development, and their complete replacement was essential. It was suspected that much of the timber framing pre-dated the Georgian brick structure and could originally have been part of a timber frame building. It appeared that the inadequacies in this framing had been appreciated in the past and strengthening measures had been carried out. It also seemed that further strengthening took place when the Victorian shop fronts were introduced, but all these measures had been rather crude and made further remedial works quite out of the question. As previously explained, the stability of the front elevation was entirely dependent on the restraint afforded by the floors and the roof together with the buttressing effect of the return end walls, and it was now clear that the floor joists bearing into the brickwork did not provide an adequate tie and could not be modified so as to fulfil this function and thereby be included in any future framing arrangements. There were distinct bulges in the front elevation and the side wall projection facing southwards. The front elevation had been plumb and lined, and this wall was found to be 45 mm ( $1\frac{3}{4}$ " ) out of plumb between the first and second levels, and approximately 12 mm ( $\frac{1}{2}$ " ) out of plumb between second floor and roof levels. The consulting engineers had also prepared calculations to assess the strength of the wall and found the stresses to be critical due to the self weight of the wall alone, ignoring loads from any future floors and the influence of wind loading, and they could not advise that the wall was adequate. When the shop fronts were introduced, the structure had been altered to provide support for the brickwork and for this purpose a timbered bressummer at fascia level with cast iron columns at pier positions had been provided. These members had both deflected and settled by approximately 50 mm (2") which had led to cracking of the brickwork and dislocation of a number of the brick arches over the windows. The consulting engineers had checked the adequacy of the timber bressummer and the cast iron columns supporting this member, and found the stresses in these to be excessive as well. For these reasons they could not advise that the facade as existing be simply retained and a new structure be constructed behind. If the front facade and side wall projection had to be retained, it was essential that major strengthening works be undertaken. These would involve the introduction of longitudinal beams at eaves level, second floor level and first floor level tied back into the new structure and five new columns in line with the existing brick piers between the windows, and one placed at the revealed corner adjacent to the Old King's Arms. These columns would require new foundations to be constructed at basement level.

The following considerations would have to be taken into account in carrying out these works -

1. The pedestrian pavement access along the front elevation currently running through the bottom lift of the shoring scaffold, would have to be closed for the duration of the work, and possibly a reduction in the carriageway would be required to reduce traffic hazards;
2. The first operation would be the introduction of dead shores to the brickwork. This would involve puncturing the brickwork each side of the existing cast iron columns for the passage of shoring needles above the fascia level. In order to reduce the falsework loadings, defective brickwork would be demolished (parapet and chimney);
3. The next stage would be to excavate and cast a concrete foundation;
4. The existing timber bressummer at fascia level could then be removed for a length spanning two adjacent columns so that a short new steel replacement could be introduced together with a column rising from the basement to just above first floor level;
5. This process would then be repeated so that each column was dealt with in sequence and allowing time for maturity of foundation work;
6. Once all the columns and the new fascia beams were in position, work could then proceed from first floor level by the erection of a further lift of columns to just above second floor. At second floor level a tie beam spanning between the columns on the inside face of the brickwork could then be fixed;
7. At this stage pockets could then be cut into the existing brick piers between the windows, so that an effective anchorage tying the brick to the columns could be created;
8. The process would then be repeated to roof level;
9. When the new vertical framing to the front elevation and south facing side wall projection had been completed, it would then be possible to remove the dead shores at ground floor level, but the stabilising support scaffold would have to remain until the new structure behind was sufficiently advanced to provide lateral restraint to the front elevation. This was going to cause considerable construction difficulties, as access was severely limited and the process would be very time consuming as normal mechanical lifting methods would not be possible;
10. When the structural works were completed to the new and existing parts of the building, remedial work to the external elevation would then be carried out. This would involve making good where holes had been made for dead shoring, removal, part replacement and relaying of the dropped arches over the window openings and re-building the parapet and brickwork above second floor window level, renewing decayed bricks and re-fixing the stone cornice and coping. The chimney stack would also be re-built, and upon completion of all these works re-pointing of all brickwork would be necessary.

The scope of these works would delay the re-development by at least six months and would cause extra inconvenience to the public by the loss of the pavement with the possibility of even a need to reduce the carriageway width. Furthermore, this

could only be a conjectural appraisal of the difficulties, and as with any building in a poor structural condition, there were risks, and in spite of care and precautions, success could not be guaranteed. It had also to be borne in mind that these works would greatly detract from the weathered appearance of the overall facade, as it would not be possible to blend existing materials with replacements or to hide completely the new supporting columns in the shop fronts, and furthermore, the problems of moisture penetration, thermal insulation would not have been dealt with adequately. Taking all these facts into account, the consulting engineers strongly advised your clients to pursue their proposals to demolish the building completely and to reconstruct the elevation in re-claimed materials in a sympathetic style complying with the standards of a new building. Enclosed with the structural engineers' report were several photographs, the purpose of which was to show the current position and to illustrate some of the points that were made.

12. In the light of the consulting engineer's report, your clients were very doubtful as to the practicability of retaining the facade. Whilst appreciating everyone's desire to retain the facade, they were of the view that what could be retained, following the rebuilding of the premises, would be a very small part of the original brickwork and that it would be far better to rebuild the front facade to a similar elevation, thus ensuring that the facade would have a life as long as the new construction behind it. The Secretary of State should also take into consideration the further severe deterioration of the building following the fire which occurred in May last year.

13. Most careful consideration has been given to the merits of the application for listed building consent. It is for the Secretary of State to consider the merits of the building as a building of special architectural or historic interest as he sees it, and it is not for him to consider how or why it has arrived in its present condition. It is noticed that your clients, the local planning authority and the Hertfordshire County Council would all accept demolition of the rear of the building, whilst the Dacorum Environmental Forum, a great many preservation societies and others, all consider that the building should be retained in toto. All the arguments in support of retaining the building in its entirety have been carefully considered but the Secretary of State is satisfied that its main importance now lies in its major contribution to the Street scene of the High Street and that the structure behind the High Street facade is no longer of such special architectural or historic interest either intrinsically or in its contribution to the conservation area that listed building consent might not be given for the demolition of this part. In considering the importance of the facade and in accepting that major strengthening and remedial works are necessary if listed building consent to its demolition is not given, the Secretary of State could not fail to notice the observations made by your clients' structural engineers as to the scope of works which in their expert opinion would be necessary if anything of it was to be retained or indeed incorporated in a new building. The Secretary of State has reluctantly concluded that apart from any other considerations works of such a nature and extent could not fail but to impair substantially the authenticity and character of the facade, and despite having been at first disposed to refuse listed building consent for its demolition, he has now come to the conclusion that not even that part of the building can be satisfactorily preserved. Having taken into account all the arguments for preservation of the building in part or as a whole, he does not consider that they outweigh the considerations mentioned above. Accordingly, the Secretary of State has accepted the Inspector's conclusions set out at 7.1 and 7.2 of his report, and his recommendation, and he hereby grants listed building consent for the demolition of No 45/47 High Street, Hemel Hempstead.

14. The Secretary of State wishes it to be known that, as the facade of the existing building has made such a valuable contribution to this outstanding conservation area, he would expect the design of any future building on the site to be equally in keeping with the character of the street scene.

15. A separate note is attached to this letter setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by the making of an application to the High Court and explaining the right of certain persons to inspect documents attached to the Inspector's report.

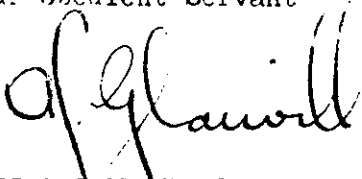
16. Attention is drawn to section 55(2)(b) of the Town and Country Planning Act 1971, the effect of which is that demolition may not be undertaken (despite the terms of this consent) until notice of the proposal has been given to the Royal Commission on Historical Monuments, Fortress House, 23 Savile Row, London W1X 1AB, and the Commission subsequently have either been given reasonable access to the building, or have stated that they have completed their record of the building or that they do not wish to record it.

17. This letter does not convey any approval or consent required under any enactment, bye-law, order or regulation, other than sections 55 and 56 of the Town and Country Planning Act 1971.

18. Copies of this letter are being sent to the Dacorum District Council and to the Hertfordshire County Council.

I am Sir

Your obedient Servant



MISS A. J. GLANVILL

Authorised by the Secretary of State  
to sign in that behalf