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Ack.

Your Reference:

Our Reference:

T/APP/A1910/A/89/139316/P5

5 APR 1990

Date: -4 APR 90

Comments

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
APPEAL BY BIRMINGHAM MIDSHIRES BUILDING SOCIETY
APPLICATION NO:- 4/1166/89

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Dacorum Borough Council to refuse planning permission for alterations to 43 Marlowes, Hemel Hempstead. I have considered the written representations made by you and by the Council. I inspected the site and its surroundings on 20 March 1990. The submitted plans show details of internal alterations as well as alterations to the external elevations. The former do not constitute development. The Council consider that the latter materially affect the external appearance of the building and therefore require planning permission. You have not questioned this view. The plans also show the installation of an illuminated advertisement. This requires separate permission under the Town and Country Planning (Control of Advertisement Regulations) 1989 and I intend to take no further action on this element of the proposals.

2. From my inspection of the site and its surroundings and the representations made, I consider that the main issue in this case is whether the proposed alterations to the front and side elevations of the single storey front extension would seriously detract from the appearance of the building, from the setting of the adjoining listed building and from the appearance and character of the street scene.

3. The Council point out that the classical design of this single storey modern front extension carefully reflects the design and appearance of the original building to the rear and complements its character. They consider that the virtual elimination of the plinth on the front elevation the replacement doors and the insertion of a "telling" machine in the position shown would detract from the proportions and appearance of the building and in turn disrupt the harmony with the adjoining 2 and 3 storey Grade II listed building to the south, notwithstanding the presence of the modern single storey extension to the front. They also point out that beyond this to the south there are a number of other listed buildings on the east side of Marlowes. To the north is a modern office building with a manse and a Grade II listed Baptist Church beyond.

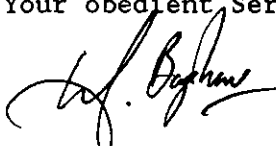


4. Planning Policy Guidance 1 states that aesthetics is an extremely subjective matter and that developers should not be compelled to conform to the fashion of the moment at the expense of individuality, originality or traditional styles or have the planning authority's tastes imposed upon them, simply because these are believed to be superior. Control of external appearance can be important in environmentally sensitive areas, such as conservation areas, and where the quality of the environment is of a particularly high standard. Here, obviously poor designs out of scale or character with their surroundings should be rejected but concern should be confined to those aspects of design which are of significance for the aesthetic quality of the area. Design details should be controlled only where the sensitive character of the area or the particular building justifies it.

5. Although not in a conservation area, I found this section of Marlowes to have a distinctive character and a high environmental quality. This is derived mainly from the presence of listed and other traditional buildings, including the appeal property, along its eastern side. It contrasts with the character of the southern section of Marlowes, which is lined with more modern buildings. In my opinion, the appeal property lies in an area where some control over external appearance is important. The appeal property occupies a prominent position in this section, being opposite the deep concourse fronting the civic centre. Although of modern construction, the single storey extension has a distinctive appearance with classical features, which complement the original 2/3 storey building to the rear. The deep plinth is one of the main elements of the design and would, in my view, be largely destroyed by the insertion of elongated windows, which themselves would be out of proportion with the building. The proposed location of the new ATM unit would also spoil the symmetry of this neo-classical facade. The new glazed doors would be less in keeping with the style of the building than the existing hardwood doors, both in terms of materials and detailing. As a result of these specific and objective deficiencies, I consider that the scheme of external alterations would significantly detract from the attractive appearance and distinctive character of this single storey building and of the 2/3 storey building to the rear. The alterations would also be seen, particularly from the broad concourse opposite, in relation to the adjoining listed building and they would, in my view, detract from its setting and from the street scene, exacerbating the detrimental intrusion of the shop fronts to Pronta-print and the estate agents. I have had regard to the advice of PPGL and Circulars 22/80 and 31/85 and I consider that the proposed scheme of alterations to the facade of the appeal building is open to sound, specific planning objections. I have considered all the other points made in the written representations but I have found none of sufficient importance to alter the conclusions, which have led me to my decision.

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

I am Gentlemen
Your obedient Servant



W J BAGSHAW DipTP FRTPI MIHT
Inspector

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

To Birmingham Midshires Building Society
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Luton
Beds.

Anthony F. Bethell & Partners
271 Hagley Road
Edgbaston
Birmingham

Alterations to front and side elevations

at 43. Marlowes, Hemel Hempstead, Herts.

Brief
description
and location
of proposed
development.

In pursuance of their powers under the above-mentioned Acts and the Orders and Regulations for the time being in force thereunder, the Council hereby refuse the development proposed by you in your application dated 23 June 1989 and received with sufficient particulars on 6 July 1989 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse permission for the development are:—

The proposed alterations will seriously detract from the present attractive facade of the building, to the detriment of the street scene in general and the setting of the adjacent listed building in particular.

Dated 11th day of August 1989

Signed

Wm Barnard

SEE NOTES OVERLEAF

P/D.15

Chief Planning Officer

NOTE

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment, in accordance with s.36 of the Town and Country Planning Act 1971, within six months of receipt of this notice. (Appeals must be made on a form obtainable from the Secretary of State for 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. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any directions given under the order.
2. If permission to develop land is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment 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 development which has been or would be permitted, he may serve on the Borough Council in which the land is situated, a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part IX 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.169 of the Town and Country Planning Act 1971.