



The Planning Inspectorate

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line

0117 - 987 8927

Switchboard

0117 - 987 8000

Fax No

0117 - 987 8139

GTN

1374 - 8927

E-mail ENQUIRIES.PINS@GTNET.GOV.UK

Ref.

D.P.

D.P.

D.C.

D.C.

D.C.

D.C.

Received

11 AUG 1998

Our reference:

Comments

T/APP/A1910/E/98/814337/P8

Date:

10 AUG 1998

Mr E E Lemon
Brook Cottage
Bank Mill Lane
BERKHAMSTED
Herts
HP4 2NS

Dear Sir

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990, SECTION 20 AND SCHEDULE 3

APPEAL BY D HAMMOND

APPLICATION NO: 4/01250/97/LBC

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your client's appeal against the decision of the Dacorum Borough Council to refuse listed building consent for demolition of existing porch & rebuilding, due to dilapidation replacing existing conservatory windows with safety glazing, at Bury Farm, Church Lane, Bovingdon. I have considered all the written representations together with all other material submitted to me. I inspected the site on 28 July 1998.

2. From my inspection of the appeal site and its surroundings, and my consideration of the written representations, it seems to me that the main issue to be resolved in this case is whether the proposed rebuilding of the porch would preserve the listed building or its setting, or any features of special architectural or historic interest which it possesses.

3. Your client's home is a former white painted farmhouse on the north-east side of Bovingdon, about 200 m north-east from the parish church. It is a grade II listed building dating from the C17, built in the form of 2 parallel but offset ranges, the rear range on the north-east side projecting beyond the north-west end of the front range. The porch that your client wishes to rebuild is at the north-west angle of the 2 ranges. The conservatory is on the south-west side of the front range. The house is noted on the list description as having group value, as are 2 listed barns to the north-west of the house, and the immediate surroundings of the house also include a number of stables and outbuildings. The open fields to the north-west and south are used for grazing horses. The house and its surroundings are within the Bovingdon Conservation Area.

4. In a case such as this Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.



The Council have referred to section 13 of the Environmental Guidelines included in their adopted local plan, which provides a presumption in favour of the repair and improvement of buildings of architectural or historic interest, with demolition and replacement normally only being permitted where it can be shown that the building is incapable of reasonable use or repair.

5. Planning permission has already been granted for rebuilding the porch and replacing the conservatory windows. The reasons for refusal of listed building consent refer only to the works involved in the rebuilding of the porch, and the Council do not oppose the grant of listed building consent for the replacement of the conservatory windows. The details given on the submitted drawing propose the replacement of the conservatory doors and windows in a style to match the existing, but with minor modifications to accommodate safety glass. From my inspection it seems to me that the conservatory is of comparatively modern construction, but the doors and windows are in a dilapidated condition. Their replacement in matching style would help to preserve the historic structure, and would not to my mind be harmful to the special interest of the building as a whole.

6. The porch dates probably from the late C19 or even the early part of this century, and is also not part of the original structure. It was nevertheless part of the building when it was listed. To my mind it represents part of the organic history of the building, and is of some interest in its own right. It is mainly of hipped roof form, with an open extension on the north-west side giving the appearance of a lean-to. There are signs of some disrepair, particularly of the roof, and the inside floor level is below the external ground level. You say that the step down creates quite a small area for occupants and visitors, and that it is difficult to prevent some water ingress.

7. The rebuilding proposed by your client would provide an enlarged porch, and the path outside the door would be lowered to prevent water ingress. The existing battened door and small side window would be incorporated into the new work. However the new porch would involve altering the adjoining window in the north-west wall of the front range of the building, which would be reduced to 2 lights in place of its present 3 lights. In my opinion that would be inconsistent with the 3 light window above, and would give the wall an unbalanced appearance. It would also be detrimental to the overall character and style of the building, in which 2-light windows are confined to secondary positions. You maintain that the existing window is not in the same style as the earlier windows in the building, and I saw at my visit that it has a modern frame and sill and is without opening lights. The window opening is nevertheless similar to that of other 3-light windows in the building. Your client proposes that the new window would be in a style to match the earlier windows, but I do not regard that as a sufficient improvement to justify the rebuilding of the porch.

8. The replacement porch would be of limited size in relation to the listed building as a whole, and I do not consider that it would be harmful to the setting of the building, or to the settings of the adjoining listed barns. It would also have no effect on the character or appearance of the conservation area, which accordingly would be preserved. Nevertheless my opinion is that the demolition and building of the porch would not preserve features of interest that the building possesses. The existing porch should in my view be capable of repair to overcome its present defects, and the benefits of rebuilding do not justify the grant of listed building consent for its replacement. I have taken into account all the other matters raised in the written representations, including your contention that the proposed replacement

porch would be regarded in future years as contributing to the historic character and evolution of the building, and also your client's decision not to implement the planning permission granted for the conversion of the listed barns to 5 dwellings. However those matters are in my view outweighed by the considerations that have led to my decision.

9. I shall accordingly dismiss the appeal so far as it relates to the demolition and rebuilding of the porch. However the proposed replacement of the conservatory windows is in my view a separate matter to which no objection has been raised, and is justified because of the state of repair of the existing doors and windows and the need to preserve the listed building as a whole. I shall therefore grant listed building consent for that work. The planning permission already granted requires full detailed drawings of doors and windows to be approved before any development takes place, so as to safeguard the character and appearance of the listed building. I consider that a similar condition, for the same reasons, should be imposed on the grant of listed building consent.

10. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal so far as it relates to the demolition of existing porch & rebuilding. However I allow this appeal and grant listed building consent for due to dilapidation replacing existing conservatory windows with safety glazing, at Bury Farm, Church Lane, Bovingdon, in accordance with the terms of the application No 4/01250/97/LBC dated 1 August 1997 and the plans submitted therewith, subject to the following conditions:

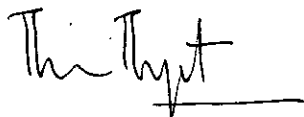
1. The works hereby authorised shall be begun before the expiration of 5 years from the date of this letter.

2. No works hereby authorised shall be begun until full detailed drawings of the proposed conservatory windows and doors, at a scale of 1:20, have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

11. These conditions require further matters to be approved by the local planning authority. There is a right of appeal to the Secretary of State if an application for approval is refused or granted subject to conditions, or if the authority fail to give notice of their decision within the prescribed period.

12. This letter only grants consent under Section 8 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It does not give any other approval or consent that may be required. Your attention is drawn to the provisions of Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require consent to be obtained prior to the demolition of a building in a conservation area.

Yours faithfully



B D Bagot BA(Arch) MCP RIBA MRTPI FRSA
Inspector



PLANNING

Civic Centre Marlowes
Hemel Hempstead
Herts HP1 1HH

MR E LEMON
BROOK COTTAGE
BANK MILL LANE
BERKHAMSTED
HERTS

Applicant:
MR D C HAMMOND
BURY FARM
CHURCH STREET
BOVINGDON HEMEL HEMPSTEAD
HERTS.
HP3 0LU

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION - 4/01250/97/LBC

BURY FARM, CHURCH STREET, BOVINGDON, HEMEL HEMPSTEAD, HERTS,
HP3 0LU
DEMOLITION OF EXISTING PORCH, ERECTION OF REPLACEMENT PORCH
AND CONSERVATORY WINDOWS

Your application for listed building consent dated 01 August 1997 and received on 05 August 1997 has been **REFUSED** for the reasons set out overleaf.

Director of Planning

Date of Decision: 06 November 1997

REASONS FOR REFUSAL APPLICABLE TO APPLICATION: 4/01250/97/LBC

Date of Decision: 06 November 1997

1. The demolition and reconstruction of the porch and alterations to the existing window would result in the loss of an important part of the original fabric of the building. These alterations would significantly detract from the special character and appearance of this Grade II listed building.

NORTHGATE
DOCUMENT STAMPED
TO ENSURE DETECTION
BY SCANNER