

TOWN AND COUNTRY PLANNING ACTS, 1971 AND 1972
BUILDINGS OF SPECIAL ARCHITECTURAL
OR HISTORIC INTERESTOther
Ref. No.

THE DISTRICT COUNCIL OF DACORUM

IN THE COUNTY OF HERTFORD

To: Aitchisons
63 Marlowes
Hemel Hempstead

..... Single storey front extension

.....
at 63-65 Marlowes

..... Hemel Hempstead

Description and
location of
proposed works.

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 grant of listed building consent to the works described above and proposed by you in your application dated 2nd November 1982 and received with sufficient particulars on 5th November 1982 as amended and shown on the plan(s) accompanying such application. 21st December 1982

The reasons for the Council's decision to refuse listed building consent for the works proposed are:

In the opinion of the Local Planning Authority the forward extension would detract from the architectural and historic character of the building and prove injurious to the visual amenity of the area.

Dated 10th day of January 19 83Signed *Chris Barnard*

Designation Chief Planning Officer

See Notes Overleaf.

NOTE

1. If the applicant is aggrieved by the decision of the local planning authority to refuse listed building consent for the proposed works, or to grant consent subject to conditions, he may, by notice served within six months of receipt of this notice, appeal to the Secretary of State for the Environment in accordance with Paragraph one of Schedule 11 to the Town and Country Planning Act, 1971. The Secretary of State has power to allow a longer period for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the local planning authority in regard to the proposed works are in progress.

2. If listed building consent is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State 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 works which have been or would be permitted, he may serve on the council of the county district, in which the land is situated, a listed building purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Section 190 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 Section 171 of the Town and Country Planning Act, 1971.



Departments of the Environment and Transport

Eastern Regional Office

Room 551

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Telephone 01-603 3444 ext 146

Messrs Aitchisons
63 Marlowes
Hemel Hempstead
Herts
HP1 1LE

Your reference

NA/BaH

Our reference

APP/5252/E/83/097
APP/5252/A/83/02735

Date

PLANNING DEPARTMENT

DACORUM DISTRICT COUNCIL

Ref.				Ack.	
C.P.O.	D.P.	B.C.	Admin.	File	
Received			30 AUG 1983		
Comments					

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971
APPEALS UNDER SECTION 36 AND SCHEDULE 11
63-65 MARLOWES, HEHEL HEMPSTEAD
APPLICATION NOS 4/1322/82 AND 4/1324/82L

1. I am directed by the Secretary of State for the Environment to refer to your appeals under:-

(a) paragraph 8 of Schedule 11 to the Town and Country Planning Act 1971 against the decision of the Dacorum District Council to refuse listed building consent for the construction of a single storey front extension at 63-65, Marlowes, Hemel Hempstead; and

(b) Section 36 of the same Act against the decision of the same Council to refuse planning permission for the same development.

2. The written representations in support of the appeals together with those of the Council and other interested parties have been considered. An officer of the Department has visited the site.

SITE AND SURROUNDINGS

3. Hemel Hempstead is one of the New Towns serving Greater London designated under the New Towns Act 1946. Marlowes is the main street running north-south through the centre of the pre-war town and is also the main street through the new town's central area. The southern section of the street now forms the town's shopping centre and the new buildings of the Dacorum District Council front the west side of the road a short distance to the north of the appeal site which fronts the east side.

4. The east frontage of Marlowes southwards from opposite the Council's offices is now occupied by buildings mainly used as offices. These buildings are not new but consist almost entirely of old structures originally designed as dwellings erected in the late 18th century and the first part of the 19th century. Most of them, however, were built between about 1822 and 1843 and at that time formed the earliest suburban development of old Hemel Hempstead. These buildings are odd-numbered and extend from No. 53 to 85. They are all 2-storeyed and are typical examples of modest houses designed in the Georgian style in its final neo-classical phase. The main architectural features are the plain mass of the building, the reticence of the silhouette, the restrained detailing and the pleasant proportion between windows and wall surfaces. The earliest houses were designed as single dwellings but the later ones were designed in pairs. These buildings are now occupied mainly as offices for solicitors, architects, estate agents and similar professions. No. 45, Nos 53 to 59 and Nos 63 to 67 are all

listed Grade II buildings and form a group. A few of these are listed for their individual merits and No. 53 is Grade II*. There is no No. 61 and Nos 57 to 59 are a pair of small, semi-detached buildings of simple design and adjoin the north side of the appeal site. No. 53 occupies a corner site on the south side of the junction of Midland Road and Marlowes and, with the exception of one building, No. 71, all the buildings south of this junction to No. 85 are set back from the road frontage behind front gardens which are roughly about 30 ft deep. These gardens are slightly higher than the public pavement along the road frontage which is usually marked with a low brick wall. All these gardens are under grass and some have flower beds. Although the boundary between a few of the pairs of houses here are marked by brick walls about 4 or 5 ft high these front gardens form a very attractive feature along this frontage and give the buildings a spacious setting.

5. Nos 63 and 65 are a pair of small, semi-detached brick buildings with a total frontage of about 33 ft. They are 2-storeys high and share a central chimney stack, and a low pitched Welsh slated hipped roof with eaves cornice. Each has one sash window with glazing bars to each floor and has a rounded arch doorway at the end of the ground floor with radiating glazing bars to the fanlight above the door. Each has a ground floor front room and a rear one, and each has a rear extension 2-storeys high. There is a common front garden flanked at each side by a pedestrian access to the respective front doors. The south boundary at the frontage is marked by a brick wall about 5 ft high and near the road frontage of No. 63 there is a tall yew tree on the garden of No. 59. The front lawn gives an attractive open setting to the buildings which are occupied as offices by the appellants, a firm of estate agents and surveyors.

FORMAL REPRESENTATIONS

6. The appellants propose to erect a single-storey structure about 26 ft long on the front garden which would reach to within about 4 ft of the frontage. The design would be in the Regency style and consist of a timber framed front and aluminium frame sided, glazed structure in 2 parts, each fronted with a domed roof capped with finials. Planning permission and Listed Building Consent are both refused for a single identical reason, namely, "In the opinion of the Local Planning Authority the forward extension would detract from the architectural and historic character of the building and prove injurious to the visual amenity of the area".

7. The Council submit that although "careful attention was undoubtedly paid" to the proposal, they object strongly to the principle of forward extensions to these buildings, in order that the existing sense of openness should be preserved. Whenever applications concerning listed buildings are concerned the Council seeks expert advice from the Hertford County Council. A report from the County Planning Design Section outlined the Architect's Advisory Panel's objections to forward extensions in this part of Marlowes. The County Planning Officer in his letter dated 15 April 1983 states that the effect of front extensions previously granted here is "ungainly and tends to detract from the quality and character of the original structure, simply because it is obscured by the extension and cannot be properly appreciated". Consent for the front extension to No. 57 was granted against his advice. In discussions with the appellants they were told that "any forward extension could only be recommended for refusal on principle regardless of design". A transparent kind of structure "would be less imposing than a more solid construction and allow the original building to be at least partly visible through the glazing". "If consent were to be given for a forward extension, this kind of building would be the least objectionable way of achieving it". It is, however, "an uncharacteristic form of front extension; such structures were usually added to the rear or the side of a building". "Any form of forward extension will be inappropriate to buildings of this kind". Mrs H G Floyd maintains that a front extension would change the character of that section of Marlowes, deprive the public from seeing the frontage of this building and restrict the view of adjoining buildings.

8. In support of their appeal the appellants stress that their present offices are too small, so that their staff work in very congested conditions, and their business is expanding considerably. It is therefore vital and urgent to enlarge their accommodation and this can only be done by building on the front garden. They are keenly aware of the architectural merits and historical importance of the buildings and have taken considerable and unusual concern over the design of their proposal which is designed by a Planning and Design Consultant and Historic Building Specialist. The Council's Deputy Chief Planning Officer recommended the committee to grant permission because the proposed design "is considered to be in character with the listed building", and that the principle of front extensions has been accepted along this particular frontage because in 1977 and 1981 permission was granted for the erection of a side and front brick built extension to No. 57 Marlowes (listed Grade II) which would project about 17 ft forward of the front wall of the building. If the owners of No. 57 decide to build then the open character of this frontage to which the Council refer would no longer exist on the northern side of the appeal site. The appellants offer to reduce the length of the proposal by 6 ft as a compromise. Mr PR Bee of Messrs Fuller, Hall and Foulsham says that he cannot see that 63 and 65 Marlowes have anything externally to offer as listed buildings; they have little merit in design and do not enhance the frontage of Marlowes in any way except to provide frontage continuity. The design of the proposed extension is in conformity with the style of the building, shows initiative and a desire to emulate Paxton. It enhances and improves what exists on the site now.

REASONS FOR DECISION

9. The view is taken that the appellants have submitted a most sensitive and attractive design which would undoubtedly blend with the architectural character of the listed building, but in spite of its transparent character its location on this front garden would obscure the view of the listed buildings, destroy their attractive open setting which is a historic feature of this part of the town centre, and be detrimental to the visual amenities of the street scene.

DECISION

10. Accordingly the Secretary of State hereby dismisses both your appeals.

11. A separate note is attached to this letter setting out the circumstances in which the Secretary of State's decisions may be challenged by the making of an application to the High Court.

12. A copy of this letter is being sent to the Dacorum District Council.

I am Gentlemen
Your obedient Servant



W B GRIFFIN

Authorised by the Secretary of State for the Environment
to sign in that behalf