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Departments of the Environment and Transport

Eastern Regional Office


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Your reference

Our reference

PLANNING DEPARTMENT & E1/5252/270/17					
DACORUM DISTRICT COUNCIL					
26th February 1981					
Ref.	C.P.O.	D.P.	D.C.	A.C.	Admin. File
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Received  - 3 MAR 1981					
Comments 4/1527/79 4/1528/79LB					

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971
APPLICATION FOR LISTED BUILDING CONSENT
APPLICATION FOR PLANNING PERMISSION
Nos 64-66 AKEMAN STREET, TRING, 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 D Kearsley DipL Arch FRIBA, who held a public inquiry on 29 July and 12 August 1980 at the Nell Gwynne Hall, Tring into:-

a. an application made by your clients, William Batey and Company (Exports) Limited, and referred to the Secretary of State for decision under paragraph 4 of Schedule 11 to the 1971 Act, for listed building consent to demolish Nos 64-66 Akeman Street, Tring, and

b. an application made by your clients and referred to the Secretary of State for decision under Section 35 of the same Act, for planning permission to erect a three-storey building on the above site.

2. In his report, a copy of which is enclosed, the Inspector came to the following conclusions:-

"The architectural or historic importance of the buildings and their contribution to the conservation area:

The interest of No 64 Akeman Street is mainly in its origin as a timber box-framed building. There is no evidence that anything much of the frame now remains below roof level. The building cannot now be regarded as a significant example of that type of construction.

The interest of Nos 65 and 66 Akeman Street is mainly in the remains of timber and cruck construction. It is reasonable to suppose, but was not conclusively shown, that they had their origin as a 2-bay cruck building. It is, however, certain that one bay is represented by No 65. The blades of the crucks have been cut off well below their apexes and the raising of the building has meant the loss of the original roof structure. The remains of the crucks have no structural function.

Because of the loss of so much of the original timbers and the mutilated condition of what remains, Nos 65 and 66 have now little significance as an example of a cruck framed building. Most of the interest is in the knowledge of its existence in its particular location.

The elevations of the buildings are later brick casings with nothing of the original timber construction apparent in them. In my opinion they are commonplace without architectural merit.

In the vicinity of the application site the conservation area has no strong or easily definable character. Many of the buildings have no particular distinction. In size and scale the application buildings conform generally with nearby domestic buildings, but their intrinsic appearance is not a significant contribution to the character of the area.

The structural condition and state of repair of the buildings:

There are serious structural defects in the buildings and disrepair is severe and extensive both internally and externally.

To put the buildings into reasonable order considerable renewal of the fabric would be necessary. Virtually all the elements are in need of substantial repair or replacement.

The possibility and likely cost of rehabilitating the buildings for use of any kind, with due regard to their economic value when completed:

It would be technically possible to rehabilitate the buildings for use as 3 dwellings.

The cost of doing this would be uneconomic, having regard to their value when completed. This conclusion is based on my findings of fact derived from evidence given on behalf of the applicants. I have preferred this evidence to the corresponding evidence from the Hertfordshire County Council on which no cross-examination was possible. No offers of financial assistance have been made.

In my opinion use of Nos 65 and 66 as dwellings while No 64 remained in use as storage would be unattractive.

There was no evidence of the possibility of rehabilitating the buildings for any use other than as dwellings.

The need for the demolition of the buildings, the site of which it is proposed to develop for storage purposes:

The buildings are unsuitable for use as storage of the type intended for the proposed new building. Their plan forms and general arrangement are domestic in character. They do not lend themselves readily or economically to such use.

A substantial proportion of the application site is taken up by the buildings. To that extent their retention would significantly reduce the use that could be made of the site as a whole.

It would be possible to provide a new storage building on the western part of the site with access as proposed while leaving the 3 Akeman Street buildings standing. So far as I can see this would have no functional disadvantages and there are no technical obstacles. The amount of storage so provided would be significantly less than is proposed.

The effect of the proposed replacement building on the conservation area:

I have already referred to the absence of a strong or easily definable character in this part of the conservation area. The planning authority have not on the evidence adopted a positive scheme for the area. Nevertheless it is apparent that real or assumed constraints have affected the design of the proposed building which is after all a 3-storey warehouse, but has been given a form of disguise that hides its true function.

Architectural purists could find plenty to criticise in this. The criticisms would not necessarily amount to significant planning objections. I consider it unfortunate, however, that conservation area constraints have operated in such a way as to stifle the design.

In form, materials and in the scale of its elements the proposed building would not harm the character of this part of the conservation area. In these respects it reflects some of the character of nearby domestic buildings.

In size and bulk and more particularly in height, the proposed building would introduce something of a new note. There are larger buildings not far away but they are set back from the street frontages. Buildings built up to the footpaths are mostly 2-storey domestic buildings.

In my opinion, and it is of course only an opinion, this new note would not be a significantly harmful one. The street frontages are not continuous, heights of buildings vary, and the site is on a corner with Albert Street sloping up from Akeman Street.

In terms of use the proposal will do little or nothing to bring visible life to this part of the conservation area.

Appropriateness of storage use for the site:

Ideally, I consider that residential use would be the most appropriate use for the site, and this would accord with the planning authority's original intentions.

I agree with the views expressed that, having regard to the now established use of No 64 Akeman Street for storage purposes, it is unrealistic to suppose that this can be achieved. There is obviously no prospect of the applicants giving up the use of No 64. In my opinion this reduces the attractiveness for residential use of Nos 65 and 66.

Use of the site as a whole for storage purposes would do no significant harm in planning terms provided that access to the site is as proposed from the applicants' other land. There would be little or no activity of a sort that would disturb nearby residents.

The desirability of preserving or enhancing the character or appearance of the conservation area:

This is part of the statutory definition of a conservation area. The area has been designated by either the present or a former planning authority. This is therefore part of the policy which forms a material consideration in this case and I do not feel entitled to go behind it.

In the absence yet of any proposals under Section 277B of the Act I do feel able to say that in my opinion both preservation and enhancement have a role to play in the Akeman Street part of the area.

I was struck on my inspection by the blighted appearance of this part of the area. There are buildings that are dilapidated, underused or unused. Former shops have given up trading. What the reasons are I do not know. It does appear, however, that the arrest of decay is a matter of importance in preserving or enhancing the appearance of the area. Whether this can best be achieved in any particular case by retaining or replacing a building is a matter of judgement.

General conclusions:

The main interest of Nos 64, 65 and 66 Akeman Street is in their origins. More

particularly in the case of Nos 65 and 66 it is in the evidence of cruck frame construction only recently come to light.

The origins of the buildings are now represented only by fragmentary remains. Externally the buildings do not reflect their origins. No architectural merit attaches to their appearance.

The architectural importance of the buildings lies in the information they provide about the history of timber frame and cruck construction. This information is capable of being recorded as it is discovered. Demolition of the buildings need not prevent this. There was no evidence that improved methods of investigation are likely to be discovered in the near future.

Visually the buildings do not contribute significantly to the character of the conservation area. At present their dilapidated appearance detracts from it.

Substantial repair or replacement would be needed to put the buildings into reasonable order.

Rehabilitation of the buildings as dwellings would be uneconomic. No offers have been made of financial assistance.

The buildings are unsuitable for the type of storage required by the applicants. It would be possible to build a new storage building of significantly smaller size than that proposed on the western part of the site while retaining Nos 64, 65 and 66 Akeman Street.

In form, materials and in the scale of its elements the proposed building would not harm the character of the conservation area. In size and height it would differ from most other buildings that are built up to the footpath. This difference would not be significantly harmful.

Use of the site for storage would not disturb nearby residents.

Retention of the buildings is unlikely to do any thing to enhance their appearance. Keeping them weather-tight will not alone improve their appearance.

A condition requiring the applicants to enter into a Section 52 agreement could not, as I understand it, be attached to a planning permission. The matter of Nos 29-32 Akeman Street (paragraph 38) is not in my opinion sufficiently relevant to be a material consideration".

3. The Inspector recommended that the application for listed building consent be granted, and that the application for planning permission be granted subject to the usual conditions and to a condition preventing vehicular access from Albert Street. The Inspector suggested that this might be done by requiring the erection of bollards or a fence along the boundary between the site and the retained garden of No 1 Albert Street.

4. Insofar as the listed building consent application is concerned, the Secretary of State seen no reason to dissent from the Inspector's conclusions in paragraphs 81-93(incl), 95-100(incl), 107-112(incl) and 114 and 116 of his report. As regards paragraphs 94 and 113 of the Inspector's conclusions, the Secretary of State should not be taken as having formed any view on the planning merits of a new storage building on the western part of the site, but he sees no reason to disagree with the Inspector's view in those paragraphs that the existing buildings are unsuitable for the type of storage required by your clients and notes that a new storage building on the western part of the site would provide significantly less storage space than the replacement building which is proposed. Accordingly the Secretary of State

accepts the Inspector's recommendation and hereby grants listed building consent for the demolition of Nos 64, 65 and 66 Akeman Street, Tring, Herts, in accordance with your clients' application (District Council's reference No 4/1528/79LB) dated 19 October 1979, and as edged red on drawing 1295:6, submitted as plan A/2 at the inquiry.

5. The Secretary of State hopes that demolition of the buildings will be undertaken carefully with a view to the crucks in the walls between Nos 64 and 65, and between 65 and 66, being preserved in case it proves possible to re-erect them elsewhere.

6. So far as the application for planning permission is concerned, the Secretary of State accepts the Inspector's conclusions in paragraphs 95-106 inc, 114 and 117 and his recommendation in paragraph 119 of his report. Accordingly, he hereby grants planning permission for the erection of a 3-storey building for storage purposes on the site of Nos 64-66 Akeman Street, Tring, in accordance with your clients' application (reference number Dacorum District Council 4/1527/79 dated 22 October 1979 and drawings numbered 1295:5, 1295:6 and 1295:7), subject to the following conditions:-

(1) the development hereby permitted shall be begun not later than 28 February 1986;

(2) there shall be no vehicular access to the site or the building hereby permitted from Albert Street.

7. A further letter will be sent to you on the subject of costs.

8. A separate note is attached to this letter setting out the circumstances in which the validity of the Secretary of State's decisions 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.

9. 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 buildings, or have stated that they have completed their record of the buildings, or that they do not wish to record them.

10. This letter does not convey any approval or consent required under any enactment, bye-law, order or regulation other than Sections 23, 55 and 56 of the Town and Country Planning Act 1971.

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

I am Gentlemen
Your obedient Servant

K B Pailing

MISS K B PAILING

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