



Planning Inspectorate

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PLANNING DEPARTMENT						DACORUM BOROUGH COUNCIL	
				ACK			
C.P.O.		T.C.P.		D.P.		D.C.	
						Admin. File	
Received				25 JUL 1990			
Comments							

Your reference

89142

Our reference

T/APP/A1910/A/90/154593/P8

Date

23 JUL 90

Sir

TOWN AND COUNTRY PLANNING ACT 1971, SECTION 36 AND SCHEDULE 9
 APPEAL BY S STODDART ESQ
 APPLICATION NO: 4/1816/89

1. I have been appointed by the Secretary of State for the Environment to determine your client's appeal which is against the decision of the Dacorum District Council to refuse full planning permission for a front entrance canopy and columns to 119 High Street, Berkhamsted. I have considered the written representations made by you, the Council and an interested person. I inspected the site on 3 July 1990.
2. From my inspection of the site and surroundings, and consideration of the representations made, it seems to me the main issue to be determined is the effect of the proposed canopy and columns on the listed building and the conservation area in which it is located.
3. No 119 is on the south side of the High Street and consists of a simple, stucco fronted, 2-storey building where its sash windows and the entrance door, with its surround, form the building's character.
4. The Structure and Local Plan policies relevant in this appeal are those which seek to protect the character of listed buildings and their settings. Within a designated conservation area Section 277(8) of the 1971 Act (as amended) provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.
5. I note that a similar canopy was deleted from a previous scheme for the renovation of the property agreed in 1985. The door surround was reconstructed during the ensuing work and the original door replaced by another. As the property is stated to have been in poor condition at that time, it seems to me that this work must have been judged as necessary to preserve the character of the building and would not now justify the addition of a canopy on the grounds that the door is not contemporary with the building.
6. The existence of canopied porches to the listed buildings on either side, likewise, does not seem to me to justify granting permission to the proposed canopy and columns because the appearances of the buildings differ and your client's property has a simple, rather restrained outline. I am unable, therefore, to place any weight on this aspect of your client's case.
7. I note that following the improvements to No 119, other properties nearby were renovated, with the result that the group makes a significant contribution to the appearance and character of the conservation area. In my opinion the proposed

canopy and columns would form an overbearing element that would be out of character with restrained features and appearance of your client's 18th century listed building.


8. I have come to the conclusion that the proposed canopy and columns, by appearing incongruous, would not only fail to preserve or enhance the conservation area, but would cause positive harm to the appearance of the group of listed buildings and the conservation area. Therefore, your client's appeal should not succeed.

9. I have taken into account all the matters raised in the representations, including your client's willingness to use more traditional materials in the construction of the project, but do not find them of such strength as to affect my decision.

10. For the above reasons and in exercise of the powers transferred to me I hereby dismiss your client's appeal.

I am Sir

Your obedient Servant



T R W ROBERTS RIBA DipTP MRTPI
Inspector

4/1816/89

TOWN & COUNTRY PLANNING ACTS, 1971 and 1972



DACORUM BOROUGH COUNCIL

Mr S S Stoddart
"Rombola House"
Parrotts Lane
To Cholesbury
Bucks

Mr D Clarke
47 Gravel Lane
Hemel Hempstead
Herts

Front Entrance Canopy

at 119 High Street, Berkhamsted, 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 31.10.89 and received with sufficient particulars on 6.11.89 and shown on the plan(s) accompanying such application.

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

1. The proposal would have a seriously detrimental effect on the character of the property itself and the overall street picture in a designated Conservation Area.
2. The proposal would be detrimental to the character of this Listed Building because of the inappropriate and unsatisfactory design and the use of unsympathetic modern materials.

Dated Fourteenth day of December 19 89

Signed

Chief Planning Officer

SEE NOTES OVERLEAF

P/D.15

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.