



Departments of the Environment and Transport

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Your reference
DPGM/MJJ/1008/17

Our reference
APP/A1910/E/90/806136

Date **21 NOV 1990**

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1971 - SCHEDULE 11
APPEAL BY BERKHAMSTED SCHOOL
APPLICATION NO. 4/2089/89LB

1. I am directed by the Secretary of State for the Environment to refer to your clients' appeal under paragraph 8 of Schedule 11 to the Town and Country Planning Act 1971 against the decision of Dacorum Borough Council to refuse listed building consent to remove part of a purlin in the East Wing of the Tudor Building, Berkhamsted School, Castle Street, Berkhamsted, Hertfordshire.
2. An Officer of the Department has visited the site and has considered the written representations made in support of the appeal together with those of Dacorum Borough Council. A copy of his report is appended to this letter. He recommended that, in view of the considerations expressed in paragraphs 9 to 11 of his report, the appeal should be dismissed.
3. The Secretary of State agrees with the Officer's appraisal and accepts his recommendation. Therefore, for the reasons given in the report, the Secretary of State hereby dismisses your Clients' appeal.
4. A separate note is attached to this letter setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by the making of an application to the High Court.

I am Gentlemen
Your obedient Servant

MISS A GERRY
Authorised by the Secretary of State
to sign in that behalf

PLANNING DEPARTMENT DACORUM BOROUGH COUNCIL						
Ref.						Ack.
C.R.C.	I.C.P.M.	DP	DC	B.C.	Admin.	File
Received			22 NOV 1990			
Comments						



Tollgate House
Houlton Street
BRISTOL
BS2 9DJ

Reference: APP/A1910/E/90/806136

11 October 1990

To the Right Honourable Chris Patten MP
Secretary of State for the Environment

Sir

1 I have been asked to advise on the appeal made by Berkhamsted School under Schedule 11 of the Town and Country Planning Act 1971. This appeal is against the decision of Dacorum Borough Council to refuse listed building consent to remove part of a purlin in the East Wing of the Tudor Building, Berkhamsted School, Castle Street, Berkhamsted. I carried out an inspection of the site on your behalf on 9 October 1990; a list of those present is appended.

2 The building to which the appeal relates is in Grade I. The list description is as follows:

Berkhamsted Old School Building:

Founded by John Incent, circa 1523, Dean of St Paul's. Built 1544 of red brick stone dressed. Tiled Roof. 2 storeys either end; tall centre of 1 storey, with large stone mullioned windows, depressed pointed heads. 4 gables, 2 either end. Interior: hall of 6 bays with tiebeam roof truss, King posts, restored carved corbels; in rooms either end 5 original chimney pieces in chamfered stone with 4 centred arches. Restored 1841.

Berkhamsted School Old Building, School Chapel and New Hall form a group.

3 My report includes a description of the appeal site and its surroundings, my appraisal on the basis of my own observations and the written representations, and my recommendation.

THE SITE AND ITS SURROUNDINGS

4 The Old Building is the southernmost element of a large complex of buildings which comprise Berkhamsted School, lying to the west of Castle Street and north of the churchyard of St Peter's Church in the centre of Berkhamsted. The Old Building is a large structure of rectangular plan of Tudor date, built of red brick and stone dressings, both of good quality. To the south it has a symmetrical façade with a high single-storey hall of six windows width between end sections containing accommodation of domestic scale on two floors with attics; the roof is tiled and continuous over the whole building, with a pair of gables over each of the end sections. To the west, the original end wall has been obscured by later additions. On the east the end wall abuts Castle Street, and is also gabled; it has a very large external chimney stack, some small original windows, and one large stone-dressed window of Victorian character and date. The north face of the Old Building is exposed except where Victorian wings abut it at the eastern and western ends and a rectangular bay has been added near the western end.

5 The Victorian additions and other buildings, also of Victorian date, enclose the school entrance quadrangle, beyond which is another larger court surrounded by school buildings. These buildings have been built of bricks of similar colour to

the Tudor bricks, but of a greater regularity, and have maintained the scale of the Old Building in a manner which gives it an appropriate setting. The Old Building is undoubtedly the most important of the group in architectural and historic interest.

6 The interior of the Old Building contains a fine large hall occupying the full height of the building up to its timber-framed roof. The accommodation at either end is on three floors; that at the eastern end (see floor plans on sheet marked 3), where the purlin to which the appeal relates is located, contains boys' accommodation on the ground floor, private accommodation on the first floor and in part of the attics behind the gables, and further accommodation for boys, also in the attics. This last item consists of two communal studies to which access is gained by a passageway. There is a tank room which is reached from one of the studies. The passageway is the only normal access to the studies; an alternative escape route is available by a door secured by a glass-protected lock; this gives access onto a landing and to a recently constructed open-well timber staircase which leads down to first floor, then down to the ground floor by a single long flight to the west. The new staircase involved alterations to the floor structure of the building. The passageway, tank room and studies contain little of architectural interest other than the substantial visible elements of the roof structure; these have already undergone a number of alterations. One of the studies has windows in the gables, which are important features of the exterior of the building. The studies are in regular use.

7 The passageway occurs at the point where the Victorian east wing was added to the Tudor work of the Old Building. Substantial parts of the Tudor roof structure have been retained within the overlying Victorian link. The passageway is reached from the Victorian wing by a short flight of four steps down to the attic floor level. About half-way along the passageway is the short length of purlin, some 3 ft, to which the appeal relates; it is some 4½ ft above floor level (see photographs).

8 The function of a purlin is to span horizontally between roof trusses or other points of support and to provide intermediate support to the thinner common rafters. The length of purlin which it is proposed to remove is supported at its western end on one of the original roof trusses which is incorporated into a wall; at the other it runs through an inserted load-bearing wall between the passageway and the tank room and then continues to the western side of the tank room to what appears to be its original point of support. Within the passageway, the purlin supports one complete common rafter and one which has been removed below the purlin to allow access to the two attic rooms. The eastward counterpart of the purlin, between the roof truss and the eastern end of the roof, has not survived. The purlin is of oak, about 6" x 7", and has been reinforced, perhaps during the Victorian works, with a softwood plank about 9" x 3" spiked on top of it.

APPRAISAL

9 The proposed removal of some 3 ft of oak purlin would have no effect whatsoever on the external appearance of the building, nor would it affect the appearance or character of the principal space of the hall; it could be carried out without affecting the stability of the building. This length of purlin is visible only to those who use the passageway, while the rest of it, within the tank room, is normally not visible at all. Nevertheless, the purlin as a whole, which appears to be a complete span between supports, even if reinforced, is a part of the original fabric of the building. The materials, construction and roof structure of a listed building, especially of such importance as a Grade I building, all make a contribution to its character. It seems to me that in the present case, the original purlin, like any other part of the fabric, makes its contribution; this contribution may be small, but it is not unimportant; its removal would erode to a material degree the special architectural and historic interest of the building. The archi-

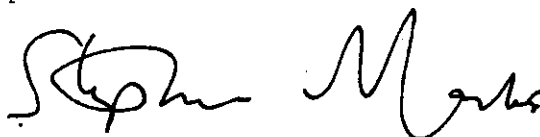
pects referred to alterations which have already taken place, but it seems to me that these would tend to reinforce rather than diminish the importance of surviving members. Accordingly, the purlin should not be curtailed, as now proposed, unless there is a compelling reason for allowing it.

10 The need to remove the length of purlin arose from the proposals for providing alternative means of escape. Several schemes have been worked out (see sets of sheets marked 1, 2, 3). The first would not have required the removal of part of the purlin; though acceptable to the various authorities, this was not acceptable to the school on grounds of cost. The school then proceeded with the second scheme without further listed building consent; this was stopped when the council objected to the removal of the purlin. In the second scheme the purlin would have crossed the passageway almost at the head of new stairs, and without its removal the scheme was not acceptable to the fire officers. The third scheme, which has been implemented in all material respects as shown on the third set of drawings, retains the purlin in the passageway to the studies, and relies on an alternative means of escape which bypasses the purlin. The fire officers have informed the appellants' architects that they do not require the removal of the purlin in the third scheme. The school has been involved in substantially more expenditure in reaching the present position than if it had been permitted to implement scheme 2.

11 It is normally necessary to weigh up the effect of the proposed works on a listed building, the need for the works, and the costs of alternative proposals. In the present case, however, the need for alternative means of escape has already been met, although at substantial cost, and there is, therefore, no justification for the work on the ground of providing an alternative means of escape, whether economically or otherwise. The justification for the removal of the purlin therefore comes down to a matter of some inconvenience for the boys who use the studies, rather than necessity. I am not convinced that remedying this inconvenience is sufficient to justify the grant of listed building consent for the removal of a structural element, small as it is, of the original fabric of the Old Building.

RECOMMENDATION

12 I recommend that the appeal be dismissed.



STEPHEN MARKS MA RIBA
PINS

PRESENT AT THE SITE VISIT

FOR THE COUNCIL

Mr J Doe

FOR THE APPELLANTS

Mr D P G Morgan (Cannon Morgan & Rheinberg)

Mr Peter Dixon (Berkhamsted School)

Mr Pat Mockett (Berkhamsted School)

DC.12

TOWN AND COUNTRY PLANNING ACT 1971
BUILDINGS OF SPECIAL ARCHITECTURAL
OR HISTORIC INTEREST

AC

Town Planning Ref No 4/2089/89LB

Other Ref No

THE BOROUGH COUNCIL OF DACORUM IN THE COUNTY OF HERTFORD

To: Berkhamsted School
Castle Street
Berkhamsted
Herts

C M AND R
Architects
38 Holywell Hill
St Albans
Herts

Removal of Part of Roof Purlin
.....
.....
at East Wing, Berkhamsted School, Castle St
.....
Berkhamsted, Herts
.....

Description and
location of
proposed works

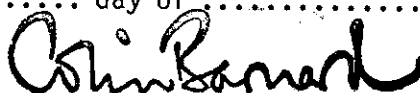
In pursuance of their powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder the Council hereby refuse the grant of Listed Building Consent to the works described above and proposed by you in your application dated 15.12.89 and received with sufficient particulars on 28.12.89 and shown on the plan(s) accompanying such application.

The reasons for the Council's decision to refuse Listed Building Consent for the works proposed are:

The removal of this section of roof purlin, being part of the original fabric of this 16th Century, Grade I Listed Building, would have an adverse effect on its character as a building of special architectural and historic interest.

Dated Fifteenth day of March 19.90

Signed



CHIEF PLANNING OFFICER

NOTES

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 eight of Schedule 11 to the Town and Country Planning Act 1971. Appeals must be made on a form which is obtainable from the Department of 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.
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 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 s.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 s.171 of the Town and Country Planning Act 1971.