
Appeal Decision

Site visit made on 21 June 2016

by Rory Cridland LLB (Hons)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 July 2016

Appeal Ref: APP/D0121/W/16/3147567

Womback Yard, Whitehorse Street, Baldock, Hertfordshire SG7 6QE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Robert Dean against the decision of North Somerset Council.
 - The application Ref 15/00649/1, dated 9 March 2015, was refused by notice dated 5 October 2015.
 - The development proposed is described as "demolition of 2 existing light industrial warehouses/ workshops, associated structures and lean-to extension on the north side of Womback Yard and to the rear of 27 Whitehorse St to allow for the erection of 6 mews style dwellings. To comprise 1 x terrace of 4 dwellings and 1 x semi-detached of 2 dwellings with associated parking and Landscaping."
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Decision

1. The appeal is allowed and planning permission is granted for the "demolition of 2 existing light industrial warehouses/ workshops, associated structures and lean-to extension on the north side of Womback Yard and to the rear of 27 Whitehorse St to allow for the erection of 6 mews style dwellings. To comprise 1 x terrace of 4 dwellings and 1 x semi-detached of 2 dwellings with associated parking and Landscaping" at Womback Yard, Whitehorse Street, Baldock, Hertfordshire, SG7 6QE in accordance with the terms of the application, Ref 15/00649/1, dated 9 March 2015, subject to the conditions set out in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area and its effect on the Baldock Conservation Area and nearby heritage assets.

Reasons

3. The appeal site is located to the rear of No 27 Whitehorse Street, a Grade II listed building located within the Baldock Conservation Area ("the Conservation Area"). It is currently occupied by a number of commercial buildings with a parking area to the front. The site is commercial in nature consisting of red brick buildings set within the historic town centre. It sits to the rear of No 27 and is visible from the shared access alongside that building. Adjacent to the site is a recent residential development known as Tranters Mews.
 4. The scheme proposes to demolish the existing commercial buildings and erect a terrace of 4 two bedroom dwellings with integrated garages (Plots 3-6) as well as a pair of semi-detached properties (Plots 1 & 2). They would be
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- constructed of materials which would integrate well with the surrounding buildings, being a mix of red-brick, black weatherboarding, red/brown tiles and timber windows and would, to a large extent, reflect the historic nature of the wider conservation area.
5. However, the Council has raised a number of concerns regarding the design of the scheme and its overall impact on the character of the surrounding area. In particular, it points to its scale, bulk, ridge height and length, its overtly residential character and tight configuration.
 6. The main building, being sited to the rear of the main thoroughfare, would not appear overly large or dominant within the existing street scene. Furthermore, while large, when viewed from the site itself it would appear in keeping with the size of the surrounding buildings. As such, I do not consider it would not appear discordant in terms of its overall scale. Similarly, while I acknowledge that a break in the 31m continuous ridge would help reduce the overall bulk, in view of the site's location and size, I am satisfied that it is able to accommodate such a feature without materially detracting from the character and appearance of the site or its wider surroundings.
 7. While I acknowledge that the addition of chimneys and integrated garages would give the development a more residential character, the resultant dwellings would nevertheless reflect much of the existing character of the site. In addition, I noted during my site visit that there are already a number of chimneys visible from the site itself which do not have any noticeable impact on the visual aesthetic of the site or the wider conservation area. The addition of a small number of additional chimneys would not, in my view, have any significant impact.
 8. The Council has also raised concerns with the size of Plots 1 & 2 and the tight configuration of the overall site. However, as the Council acknowledges, the overall proportions and scale are in keeping with the location and historic character of Baldock. Furthermore, Plots 1 & 2 would be set back from the boundary, would sit comfortably between the neighbouring properties and would not to appear cramped or overdeveloped. In addition, while I note the separation distances between the side elevation of Plot 2 and the neighbouring Nos 5 & 6 Tranters Mews, neither of these elevations have windows which serve habitable rooms and I am satisfied that any overbearing impact which might result would be limited and insufficient to warrant a refusal of planning permission.
 9. I do not therefore consider that the development would appear cramped, overly large or would fail to represent good design. In developing what is currently a utilitarian commercial site, it would make a positive contribution to local distinctiveness and would not be harmful to the character and appearance of the surrounding area. Consequently, I conclude that the character and appearance of the Conservation Area would be preserved.
 10. Turning to the impact on neighbouring No 27, although within close proximity, the appeal site adds little to its overall setting. The visual contribution the site currently makes is limited, being set back from the main road and housing a number of commercial buildings. Furthermore, I consider the demolition of the existing buildings and their replacement with the proposed development would greatly improve the overall setting. I am therefore satisfied that neither the heritage asset nor its setting would be harmed by the proposed development.

11. Accordingly, I find that the proposal would not materially harm the character and appearance of the surrounding area, would not be harmful to the nearby heritage assets and would preserve the character and appearance of the Baldock Conservation Area. As such, I find no conflict with Policy 57 of the North Hertfordshire District Local Plan¹ or Sections 7 & 12 of the National Planning Policy Framework which together seek to ensure new development achieves high quality design which integrates well with the character and appearance of the surrounding area and encourages the protection of heritage assets and their settings.
12. In reaching my conclusions I have had regard to Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conditions

13. I have had regard to the various planning conditions that have been suggested by the Council. Those relating to materials and landscaping are appropriate in the interests of character and appearance. In addition to the standard time condition, a condition requiring the development to be carried out in accordance with the approved plans is necessary in the interests of proper planning and for the avoidance of doubt.
14. In view of the historical and archaeological history of the site, conditions relating to the protection and preservation of archaeological items are also appropriate.
15. However, the National Planning Policy Framework advises that conditions should only restrict national permitted development rights where there is a clear justification for doing so. While I acknowledge the sensitive nature of the surrounding area, I am not satisfied that the Council's suggested blanket removal of permitted development rights would be appropriate, particularly as no detailed explanation for it is given.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be allowed.

Rory Cridland

INSPECTOR

¹ North Hertfordshire District Local Plan No.2 with alterations (1996)

SCHEDULE

Conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
7319/P001; 7319/P002; 7319/P101; 7319/P102; 7319/P103;
7319/P104B; 7319/P105B; 7319/P106B; 7319/P107A; 7319/P108;
7319/P109A.
- 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) No demolition/development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions - and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 5) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under Condition 4.