

**Meeting:** Planning and Development  
Committee

**Agenda Item:**

**Date:** 12 August 2024

## **INFORMATION REPORT - APPEALS / CALLED IN APPLICATIONS**

Author – Linda Sparrow

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### **1. APPEALS RECEIVED**

1.1 None.

### **2. DECISIONS AWAITED**

2.1 21/01025/ENFAPL, 7 Boxfield Green. Appeal against the serving of an Enforcement Notice relating to the development not in accordance with approved plans under planning permission reference number 17/00734/FPH.

2.2 23/00035/ENFAPL, Car park to side of 10 Aintree Way. Appeal against the serving of an Enforcement Notice relating to the erection of a car port.

2.3 23/00920/FPM, Land to the west of Lytton Way. Appeal against refusal of planning permission for the variation of condition 1 (approved plans) attached to planning permission reference number 23/00655/FPM to remove undercroft parking areas to blocks 1 to 3 and 5 to 7 to provide 16 additional apartments and to cycle parking provision, communal entrances, refuse stores, plant and equipment, water tanks and storage areas. Alterations to centralised communal area and ancillary facilities layout in block 4, removal of external cycle store adjacent to block 4, addition of 13 parking spaces, amendment to affordable housing mix in block 7.

### **3. DECISIONS RECEIVED**

3.1 23/00231/FP. 129C High Street. Appeal against the refusal of planning permission for the demolition of single storey element fronting onto Church Lane and its redevelopment with 4no. 1 bedroom flats, retention of 2-storey section fronting onto Letchmore Road and conversion into a 1-bedroom dwelling.

3.2 The appeal was dismissed.

3.3 The site comprises a flat roof two storey extension to the rear of No 129 that likely dates from the mid-20<sup>th</sup> century and a large single storey structure that occupies all the remaining land to the rear of Nos 123-129. This structure has several elements, including a pitched roof range that runs parallel to Church Lane and turns the corner at Letchmore Road to connect with the two storey extension. The range likely dates from at least the earlier part of the 20<sup>th</sup> century or the late 19<sup>th</sup> century, with painted brickwork in a Flemish bond, although the northernmost part appears to be more modern. The remaining structure contains workshops with mono-pitch metal roofs that fill the inner part of the site, but these are not visible from the street and can only be glimpsed from upper floor windows at Nos 123-129.

- 3.4 The two storey extension and the single storey range form part of the street scene as seen from Letchmore Road and into Church Lane. The modern doors, windows, shopfront and signage on the Letchmore Road elevation are rudimentary and contribute little to the character and appearance of the area or the conservation area. However, even if there is little historic fabric internally, the single storey range has greater architectural interest due to the external brickwork details and the long, low level elevation along Church Lane. It is a subservient building compared to the buildings fronting the High Street and signifies the historic relationship between the High Street and Church Lane.
- 3.5 There are tall and large two storey buildings further to the north on this side of Church Lane. However, some like at the rear of 109 High Street are bland modern structures that have little positive effect on the area. Other taller buildings are historic structures interspersed with shorter historic buildings that collectively contribute well to the street scene and the conservation area.
- 3.6 The range could be considered to lie within the curtilage of the listed buildings and therefore be treated as part of the listed building if it forms part of the land and has done so since before 1 July 1948. There are factors that may be considered in defining the extent of curtilage, including the physical layout or relationship between the listed building and the building in question and their ownership and use or function historically and at the date of listing.
- 3.7 The range appears to pre-date 1 July 1948, while the appellant's historic map evidence suggests that it might have formed part of the same land as the listed buildings on the High Street. However, I have little information on ownership both in 1948 and beforehand, or the precise relationship and function between the range and the listed buildings. Therefore, it is unclear whether the range is part of the listed buildings for planning purposes or that an application for listed building consent should have been submitted. Nevertheless, regardless of its curtilage status, the range contributes positively to the character and appearance of the area, including the conservation area, and the setting and significance of the listed buildings
- 3.8 The application would result in the range being removed entirely and the Inspector noted that regardless of whether the range was curtilage listed or not, this element contributes positively towards the conservation area and the setting and significance of neighbouring listed buildings. The proposed replacement two storey element would compete for attention with the listed buildings and detract from the hierarchy of streets within the conservation area. The creation of communal amenity space within the site would not prevent a negative effect on the setting of the listed buildings. However, the loss of the historic range and its replacement with a large and overly dominant building would cause less than substantial harm to the significance of the above designated heritage assets.
- 3.9 In summary, the Inspector noted that the proposed development would not preserve the special interest or setting of the listed buildings or preserve or enhance the character or appearance of the conservation area. The development would also have a negative effect on the character and appearance of the area. Therefore, it would be contrary to Policies SP8, HO5, GD1 and TC9 of the Stevenage Borough Local Plan 2011-2031.
- 3.10 He further noted that the development would not adhere to the Stevenage Design Guide 2023 (SDG) which amongst other things, requires schemes to respect local characteristics and preserve and enhance existing features where appropriate. It would also not adhere to the Old Town Conservation Area Management Plan 2012 which seeks to maintain and enhance the character and appearance of the conservation area. The development would be contrary to paragraphs 131, 135 and 139 of the National Planning Policy Framework (NPPF) which promote good design that is sympathetic to local character and reflects local design policies.
- 3.11 With regards to living conditions, the Inspector agreed with the Council's position that the proposed balconies for units 4 and 5 would be unacceptable in terms of outlook, natural light

and size and are therefore not a useable space. He further noted that the other private amenity spaces would be overlooked from above and not likely to be well used which denotes poor design.

- 3.12 He also noted the lack of defensible space at ground floor between the site and public footpath would lead to a fear of crime even in the absence of crime data and the use of privacy film would restrict outlook and result in unattractive living conditions.
- 3.13 He concluded that the development would have poor living conditions for future occupiers in terms of private amenity space, privacy and outlook and fear of crime and would not therefore accord with Policies SP8 and GD1, the Design Guide SPD or NPPF paragraphs 96, 131, 135 and 139.
- 3.14 Turning to highway safety, the Inspector noted the existing arrangement is poor and would lead to pedestrians being forced into the road. However, he did not agree with the Council that the proposed widened footpath would be inadequate despite not meeting Manual for Streets standards as he felt the widened path, in a not-very-busy location would be suitable to allow pedestrians to pass safely and the risk of conflict between road users and pedestrians would be low.
- 3.15 In summarising, he concluded in his planning balance that whilst the development would have an acceptable effect on highway safety, it would result in harm to the character and appearance of the area, including the conservation area and listed buildings and would cause harm to the living conditions of future occupiers.
- 3.16 In his planning balance, he summarised that the provision of 5 net units would be a public benefit afforded moderate weight and the improvement of the widened footpath would also have moderate weight in favour. He gave considerable importance and weight to the less than substantial harm to the heritage assets and the public benefits would not outweigh the harms identified.
- 3.17 Whilst paragraph 11(d) of the NPPF is engaged due to the Housing Delivery Test failure, there are clear reasons to refuse the development on harm to heritage assets and therefore the proposal does not benefit from the presumption in favour of sustainable development.
- 3.18 He concluded that it would be contrary to the development plan when taken as a whole with no material considerations to indicate otherwise and therefore the appeal is dismissed.