



Appeal Decision

Site visit made on 3 July 2024

by **Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 12 July 2024

Appeal Ref: APP/K1935/W/23/3328147

129C High Street, Stevenage, Hertfordshire SG1 3HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by John Bennett of L Bennett and Sons against the decision of Stevenage Borough Council.
 - The application Ref is 23/00231/FP.
 - The development proposed is demolition of single storey element fronting onto Church Lane and its redevelopment with 4 x 1 bedroom flats, retention of 2-storey section fronting onto Letchmore Road and conversion into a 1-bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - (a) the character and appearance of the area, including Old Town Conservation Area, and the special interest and setting of the Grade II listed buildings at 123 to 129 High Street;
 - (b) the living conditions of future occupants of the development with regard to private outdoor space, privacy, outlook, and the fear of crime; and
 - (c) highway safety.

Reasons

Character and appearance, conservation area, and listed buildings

3. The appeal site is at the rear of 123-129 High Street and fronts onto the parallel Church Lane and is also on the corner of Letchmore Road. The High Street is a busy thoroughfare characterised by commercial properties typically two storeys tall. Church Lane is quieter and has 20th century housing to the east. Its western side serves as rear access to High Street properties along with individual buildings that are either standalone properties or ancillary to uses on the High Street. Building heights on this side vary from tall two storey properties to single storey barns and outbuildings.
4. The site is within the Old Town Conservation Area which encompasses the High Street as well as the western side of Church Lane. The conservation area's character and appearance, along with its significance, is greatly informed by the commercial centre of Stevenage Old Town. There is a wealth of historic buildings along the High Street, and multiple passageways through to Church

- Lane where further historic buildings can be found. Church Lane complements the busier character of the High Street as an ancillary and linked space.
5. There are two list entries covering the four Grade II listed buildings at 123-129 High Street. Nos 123 and 125 have a single entry as 17th century two storey properties with a stucco front, steeply pitched clay tiled roofs and two front dormers. Nos 127 and 129 are described by the other list entry as 17th century two storey properties that were re-fronted in the 19th century, with stucco and a roof parapet, and clay tiles above.
 6. The listed buildings' special interest and significance are influenced by their architectural and historic interest as 17th century commercial premises in the centre of the Old Town, but also by their setting. The buildings are primarily experienced from the High Street frontages and turning the corner into Letchmore Road, but also from Church Lane at the rear.
 7. The site comprises a flat roof two storey extension to the rear of No 129 that likely dates from the mid-20th 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 20th century or the late 19th 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.
 8. 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.
 9. 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.
 10. 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.
 11. 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

12. The proposed development would remove the entirety of the range and much of the inner part of the site. The replacement two storey terrace containing four flats would be much taller and wider than the range. The terrace would be set back slightly from the corner between Letchmore Road and Church Lane but would still be very prominent in the street scene with an almost blank side elevation. The terrace would not be visible from the High Street and would be a little shorter than the listed buildings at Nos 123-129. However, due to its size and location, it would compete for attention with the listed buildings when seen from Letchmore Road and Church Lane and detract from the hierarchy of streets within the conservation area. The creation of communal open space at the rear would not prevent a negative effect on the listed buildings' setting.
13. The two storey rear extension would be refurbished for a one-bedroom dwelling, and its windows and front door could be replaced with a more sympathetic design. Likewise, the materials and detailing on the new terrace could be appropriate to the historic location and controlled by condition. 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.
14. In summary, 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 (LP). Amongst other things, these policies require good design that makes a positive contribution to its location, no detrimental impact on the environment, and the avoidance of harm to the significance of designated heritage assets.
15. 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.
16. NPPF paragraph 195 seeks to conserve heritage assets in a manner appropriate to their significance. NPPF paragraph 205 requires great weight to be given to the conservation of designated heritage assets irrespective of the extent of harm. NPPF paragraph 206 states that any harm to significance should require clear and convincing justification, while paragraph 208 requires less than substantial harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. I shall return to this in the planning balance below.

Living conditions

17. The balcony for Unit 4 would be very narrow and wedged between the rear wall of the existing two storey extension and the two storey terrace. Consequently, it would not be a useable space with poor outlook and light and limited scope even for plants or clothes drying. The balcony for Unit 5 would be slightly better proportioned but would have a similarly poor outlook and light between the end gable of Nos 123-125 and the wall of the new terrace, which means the space would not be very useable either.
18. The ground floor flats and the one-bedroom dwelling would each have a small garden at the rear, but the gardens for Units 2 and 3 would be directly overlooked from the balconies above. The communal garden towards the back of the site and the proximity of public open space would partially offset the inadequacies of the private outdoor spaces for each flat. However, these spaces would likely not be well-used which denotes poor quality design. While the units are likely to appeal more to younger or older people without children, it is reasonable that they would want access to decent private outdoor space.
19. Living space on the ground floor would be immediately adjacent to the street. For Unit 1, this would primarily affect a kitchen area only, with the living/dining space having a rear outlook. This would mean less intrusion in terms of any occupant's privacy. Units 2 and 3 would also have kitchen as well as bathroom windows onto the street. However, there would be only one small window for the Unit 2 bedroom which would face directly onto the street and the car park opposite. There would also be windows for the studies at the front of both ground floor flats. Even if footfall is low, there would be people walking straight past these bedroom and study windows.
20. While the evidence is lacking in terms of the level of crime in this part of town, the lack of set back and defensible space would have a negative effect on privacy and outlook and would lead to a fear of crime. The use of privacy film on glass in bedrooms and studies that only have one window would further restrict the outlook for future occupants and not create an attractive living environment. Existing buildings with similar window arrangements, at the rear of 79 and 109 High Street, and at 27 Church Lane, are not particularly recent and in any case, I have assessed the development on its own merits.
21. There are existing first floor windows at the rear of Nos 123-129 that would face towards the rear elevation of the proposed first floor flats. However, these windows would only look directly at hallway windows, with a more oblique view across to bedroom windows. Therefore, the privacy of occupiers of the first floor flats would not be unduly affected.
22. Concluding on this main issue, the proposed development would have a harmful effect on the living conditions of future occupants of the development in terms of private outdoor space, privacy, outlook, and the fear of crime. Therefore, it would not accord with LP Policies SP8 and GD1 which, amongst other things, require high quality design that creates a safe environment and does not lead to an adverse impact on the amenity of future occupiers. The proposed development would also not adhere to the SDG which seeks to safeguard privacy, outlook and light, or NPPF paragraphs 96, 131, 135 and 139 which aim to create safe places with a high standard of amenity for future users, along with good design that takes into account local design policies and guidance.

Highway safety

23. The existing pavement around the site is narrow, particularly along the Church Lane frontage. It is barely wide enough for a single pedestrian let alone anyone with small children or mobility difficulties. There are loading bays next to the pavement which can mean vehicles add to the limited space on this side of Church Lane. Pedestrians are likely to be forced into the road, or across to the wider pavement on the opposite side.
24. The proposed development would widen the pavement at the corner with Letchmore Road and along Church Lane. While this would not be the full 2m width required by Manual for Streets, it would represent an improvement on the existing situation. It is not apparent that this is a very busy location for pedestrians or vehicles and so it should be possible for people to pass safely on the new pavement. The risk of conflict between road users is likely to be low.
25. Concluding on this main issue, the proposed development would have an acceptable effect on highway safety. Therefore, it would accord with LP Policies SP5, SP6 and IT5 which, amongst other things, promote an increase in sustainable transport modes with safe parking and access. These policies are supported by the Parking Provision and Sustainable Transport Supplementary Planning Document 2020. The proposed development would also adhere to NPPF paragraphs 114 and 115 which require sustainable transport and safe access and the avoidance of unacceptable impacts on highway safety.

Planning balance

26. Starting with the heritage balance in NPPF paragraph 208, it is necessary to weigh the less than substantial harm to the significance of the listed buildings and conservation area against the public benefits of the proposal. While the Council can demonstrate a five year housing land supply, it accepts that the latest housing delivery test (HDT) results show that Stevenage delivered only 57% of its housing requirement over the previous three years. Therefore, while the development would only deliver five additional units, this would nevertheless represent a public benefit that carries moderate weight in both social and economic terms. The development would also widen a narrow pavement which would be an improvement on the existing situation and so can be afforded moderate weight. There would also be some modest improvements to the external appearance of the existing two storey rear extension.
27. Considerable importance and weight should be given to the less than substantial harm to the significance of the designated heritage assets. Therefore, the public benefits would be insufficient to outweigh the harm or provide the clear and convincing justification for the proposal, contrary to NPPF paragraphs 205, 206 and 208.
28. NPPF paragraph 11(d) is engaged due to the HDT results being below 75%. It directs decision-makers to grant planning permission unless one of two exceptions apply. Given that the application of NPPF policies relating to designated heritage assets provides a clear reason for refusing the proposed development, the first exception in 11(d)(i) applies. Thus, the proposal would not benefit from the presumption in favour of sustainable development.
29. In conclusion, while the proposed 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, as well as cause harm to the living conditions of future occupants. It would be contrary to the development plan taken as a whole, with no material considerations to indicate otherwise.

Conclusion

30. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR