DELEGATED FILE NOTE

CASE OFFICER: ...Sam Dicocco.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/00165/LBC	Change of use of former office building to provide 6 flats (2 x 1-bed and 4 x 2-bed) on the ground , first and second floors with basement level storage, associated internal works, staircase works, removal of front entrance ramp, front railings, car parking, rear mechanical gate, landscaping and ancillary works.	21 High Street Baldock Hertfordshire SG7 6BD

Submitted Plan Nos

DP754/10 DP754/05B DP754/07A Location plan DP754/02B DP754/06E

1.0 Policies

SECT12 Conserving and enhancing historic enviro

2.0 **Site History**

2.1 17/00174/1LB - Change of use of former office building to provide 5 flats (1 x 1-bed, 3 x 2-bed and 1 x 3-bed) on the ground , first and second floors with basement level storage, associated internal works, staircase works, removal of front entrance ramp, front railings, car parking, rear mechanical gate, landscaping and ancillary works. (Amended and additional plans received 10/05/17, 26/05/17 & 17/07/17) – Conditional Consent 09/08/2017

3.0 **Representations**

3.1 Conservation Officer – Objection

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site is a large former Manor House, positioned on the east side of the High Street, within the town centre of Baldock. The building is Grade II* listed, and has an imposing front facade, with brick detailing and sash windows. The building has been extended at the rear, with a both a two storey element and more recent long thin, single storey element. There is a rear garden area, hardstanding in the frontage and a public car park rear of the building. The building is currently vacant, and was last used as offices.

4.2 **Proposal**

4.2.1 This application seeks listed building consent for the conversion of the building into six self-contained flats, with internal and external works to achieve this. A large proportion of the works to facilitate the conversion have been approved in the extant listed building consent referenced 17/00174/1LB. The extant permission holds great weight in favour of those parts of the proposed development which are to remain unchanged.

4.2.2 In accordance with the above, the listed building consent application pertains to internal alterations within the ground floor single storey rear wing of the property. The proposed fence, and subdivision of the land is associated with the change of use of the property which in itself does not require listed building consent, and the fencing in its own right, does not require listed building consent.

4.2.3 Section 7(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that *"works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest"* require authorisation.

4.2.4 Section 16(2) of the same Act states that *"In considering whether to grant listed building consent for any works the local planning authority … shall have special regard to the desirability of preserving the building or its setting or any features of special*

architectural or historic interest which it possesses". The issue here is that the works proposed are internal alterations which impact the internal layout, yet the internal alterations and layout alterations result in the subdivision of the garden impacting the historic interest of the setting of the listed building. Given the wording of Section 16, it is considered acceptable to have special regard to the impact of all associated implications of the internal works on the setting of the listed building.

4.2.5 It is noted that the drawings provided are incomplete for the purposes of the proposed development, in that existing and proposed floor plans for any floors other than the ground floor and basement have not been provided. In the event of approval, permission will be sought to fill the gaps in plans from the previous extant permission. The level of detail provided is sufficient in order to assess the merits or otherwise of the proposed development.

4.3 **Key Issues**

4.3.1 It is not considered that the internal alterations required for the subdivision of the ground floor into three flats as opposed to the two on the extant consented plans would cause harm to the architectural or historic interest of the building. The works would be located internally within a later addition to the listed building, and not result in any external changes from the extant position.

4.3.2 The internal layout changes will, however, facilitate further residential division internally within the building, and result in the subdivision of the already diminished curtilage associated with the listed building. Limited details have been given about the boundary treatments proposed in terms of height, although the application form states lap larch fences, and the DAS suggests a low fence. Notwithstanding this, the fence would need to be a reasonable height to restrict overlooking and loss of privacy.

4.3.3 The objection to the works which require listed building, thereby, is based upon the harm that the internal alteration occasion on the setting of the Listed Building through division of the curtilage. The Manor House enjoyed a curtilage that was commensurate to the building's status and it is only in more recent times that its curtilage has been significantly reduced. To reduce the garden curtilage to arguably the most prestigious unit to an approximately 4m deep patio would occasion harm to the listed building by reason of further reductions in the curtilage in which the building is experienced.

4.3.4 There is an established extant position which was extraneously negotiated to a balanced decision in favour of the subdivision of the building to five residential units. Whilst the balance was accepted based on public benefit of a long term viable use, the extent of conversion required for a long term viable use remained questioned by the Conservation Officer. To clarify, it was still considered that the residential conversion could have resulted in fewer units while maintaining a long-tern viable use.

4.3.5 Regardless of how one were to assess the impact of the harm resultant from the proposed development, and consequent public benefits balance act, the end result would remain consistent. That is to say that, if the balance were between the additional harm resultant from the additional works required, and the implication of that works, and public benefits of the works and implications of those works only, or if the whole scheme were reassessed in terms of harm as a whole, and public benefits as a whole, the end result would remain.

4.3.6 In the interest of ease of assessment, and in line with the method of assessing harm, the public benefits of the scheme over the extant position is hereby balanced. The reasoning put forth in the Design and Access Statement mentions that the *"extent of*

Flat 1 can now be more clearly understood and this with initial marketing has suggested the created flat will be not only awkward in its layout but unusable to an average family". No additional marketing information has been provided. Furthermore, no further information has been provided that evidences reasonable alternative layouts could result in the unit being more 'usable'.

4.3.7 This lack of evidence, alongside the previous negotiations and comments in relation to the previous, hesitantly, accepted public benefits in light of the extent of residential subdivision, it is not considered that public benefits exist that outweighs the less than substantial harm to the heritage asset identified above. The less than substantial harm implicated by the works which require listed building consent is not outweighed by any public benefits, with specific reference to the only benefit put forth, which is the under-evidenced requirement for the subdivision of flat 6 to ensure a long-term viable use of the asset.

4.4 **Conclusion**

4.4.1 The proposed works would implicate the further subdivision of the curtilage associated with the heritage asset, which currently influences the experience and interest of the listed building. The less than substantial harm resultant from the proposed works to the setting of the heritage asset would not be outweighed by any public benefits. As a result, the proposal conflicts with the aims of Policy HE1 a. of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Submission, October 2016, Sections 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 12 of the National Planning Policy Framework 2012.

5.0 **Recommendation**

5.1 That the works be **REFUSED** for the following reasons:

1. The proposed works would implicate the further subdivision of the curtilage associated with the heritage asset, which currently influences the experience and interest of the listed building. The less than substantial harm resultant from the proposed works to the setting of the heritage asset would not be outweighed by any public benefits. As a result, the proposal conflicts with the aims of Policy HE1 a. of the North Hertfordshire Local Plan 2011 - 2031 (Proposed Submission, October 2016, Sections 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Section 12 of the National Planning Policy Framework 2012.

Proactive Statement:

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council has not acted proactively through positive engagement with the applicant as in the Council's view the proposal is unacceptable in principle and the fundamental objections cannot be overcome through dialogue. Since no solutions can be found the Council has complied with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Signed  Tom Rea Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 18 May 2018	