

2 BARHAM AVENUE, ELSTREE, BOREHAMWOOD, WD6 3PN

**PLANNING DESIGN AND ACCESS STATEMENT AND HERITAGE IMPACT
ASSESSMENT**

**INSTALLATION OF ROOFLIGHTS IN THE NORTHERN ROOF
SLOPE OF THE DWELLING TO ENABLE A LOFT CONVERSION
AT NUMBER 2 BARHAM AVENUE, ELSTREE,
BOREHAMWOOD, WD6 3PN.**

13 DECEMBER 2023

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1.0 THE APPLICATION SITE AND ITS LOCATION



Figure 1: Site Location Plan

- 1.1 The application site lies to the east of Barham Avenue and forms a pair of semi-detached dwellings with Number 8 Allum Lane to its south. The dwelling is a Grade II Listed Building.
- 1.2 The surrounding area is predominantly residential in character and the comprises large, detached houses of varying architectural style set within spacious plots.

2.0 **THE PLANNING APPLICATION**

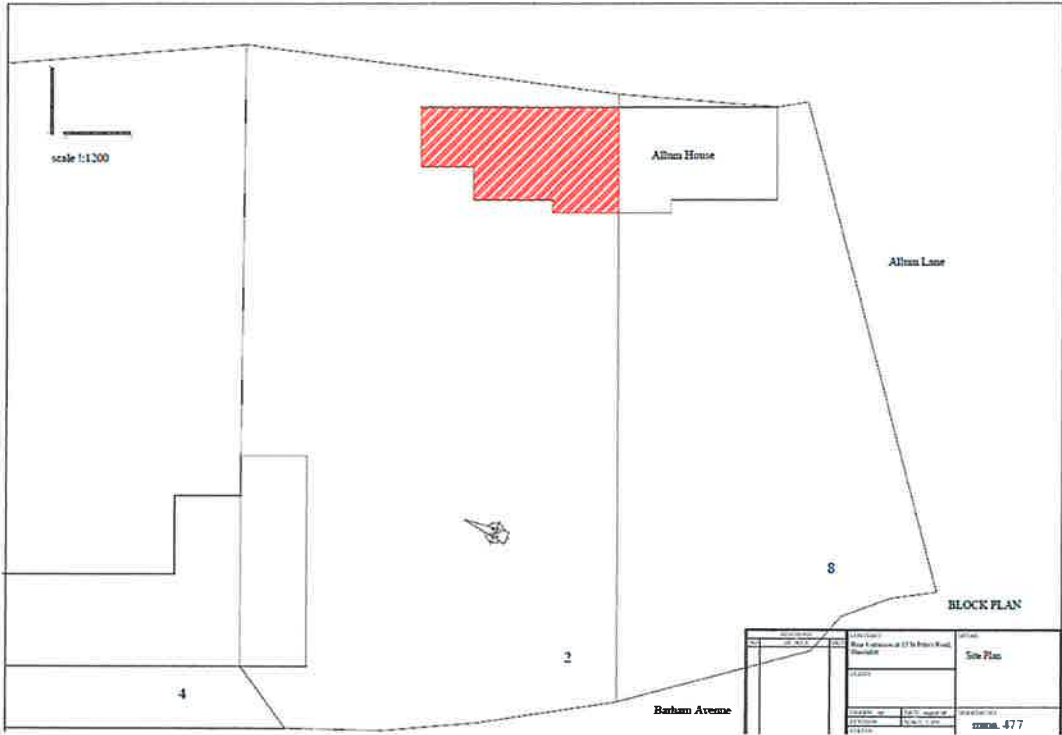


Figure 2: Proposed Block Plan

2.1 The application seeks planning permission and listed building consent to install three rooflights in the northern roof slope of the dwelling to enable the conversion of the loft space into habitable accommodation.

3.0 **RELEVANT PLANNING HISTORY**

- 3.1 TP/12/2246: Listed Building Consent granted for Conversion of loft into habitable room with 3 No. rooflights to the North elevation.(09.01.13)
- 3.2 15/1946/HSE: Conversion of loft into habitable room with 3 no. rooflights to North elevation. Granted (06.01.16)
- 3.3 TP/12/2248: Proposed front driveway entrance gates and associated works.LB Consent Granted. (09.01.13)
- 3.4 TP/12/2247: Proposed front driveway entrance gates and associated works. Permission granted (09.01.23)
- 3.5 TP/12/2245: Conversion of loft into habitable room with 3 No. rooflights to North elevation. Permission granted.(09.01.13)
- 3.6 TP/06/1280: Demolition of outbuildings and erection of single storey side extension for conservatory. (Application for Listed Building Consent). (Application Returned 14/02/2008).
- 3.7 TP/06/1279: Demolition of existing outbuildings and erection of single storey side conservatory. Permission granted. (04.12.06).
- 3.8 TP/06/0335: Demolition of existing outbuildings and the erection of a two storey side extension and conservatory. Application Withdrawn 11 May 2006.

3.9 TP/06/0276/APP: 5 Bedroom detached house (outline application means of access and siting).Appeal Dismissed.(6 February 2007).

4.0 RELEVANT PLANNING POLICIES AND SUPPLEMENTARY GUIDANCE

4.1 National Planning Policy Framework (NPPF) (September 2023)

- Chapter 2: Achieving Sustainable Development
- Chapter 4: Decision making
- Chapter 7: Requiring good design
- Chapter 16: Conserving and enhancing the historic environment

4.2 Development Plan

The Development Plan for Hertsmere Borough Council comprises the Core Strategy 2013 and the Site Allocations and Development Management Policies (2015).

Core Strategy 2013

- SP1- Creating sustainable development
- SP2- Presumption in Favour of Sustainable Development
- CS12 The Enhancement of the Natural Environment
- CS14 Protection or enhancement of heritage assets
- CS22 Securing a high quality and accessible environment

Site Allocations and Development Management Policies Plan 2016

- Policy: SADM29 Heritage Assets

- Policy: SADM30 Design Principles

Supplementary Planning Guidance

- Guidelines for Development Part D of the Planning and Design Guide SPD
- Guidelines for Residential Extensions & Alterations, Part E SPD 2006

5.0 PLANNING CONSIDERATIONS

5.1 The application property is a Grade II listed dwelling and as such, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on local planning authorities (LPAs) to 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 when considering a planning application. This statutory duty is reflected in LP policies SADM29 SADM30 and Core Strategy Policy CS14 which seek, among other things to retain the architectural and historic character of Listed Buildings.

“Preserve”, in this case, is taken to mean “not harm”, therefore the consideration is the desirability of not harming the building or its setting. A development proposal which will result in harm to a building or its setting, fails to preserve the special architectural or historic interest of the building.

5.2 Chapter 16 of the NPPF sets out the Government’s national policies on the conservation of the historic environment.

5.3 NPPF Paragraph 194 requires applicants to ‘describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should

have been consulted and the heritage assets assessed using appropriate expertise where necessary.

5.4 Significance of the heritage asset

5.5 The Historic England listing description states that the property is listed together with Allum House, Number 8 Allum Lane. It provides the following summary:

Former stables to Barham House (not listed) with flanking houses for coachman and gardener. Now 2 dwellings. 1789 on quoin, altered mid C20. Stuccoed brick. Slate roof. 2:4:2. 2 storeys and central attic. Centre bays project under pediment with moulded cornices. Ground floor: 4 round headed windows in relieving arches. First floor casements with oculi in attic. Flanking wings have entrances towards centre under mid C20 Tuscan porches in angles with centre block. Similar windows. Hipped roofs. Stack on central ridge and 2 on hips to sides. 2 plaques to rear of return walls inscribed defining boundary of property, that to right is dated 1789, possibly reset. Interior not inspected. (RCHM Typescript). Includes No. 2 Barham Avenue.

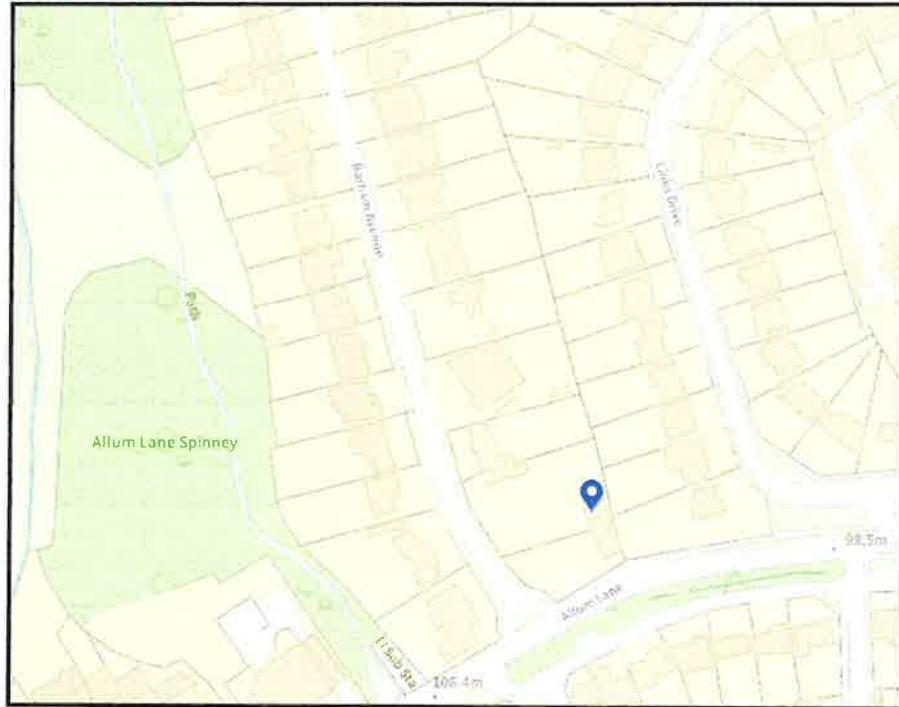


Figure 3: Grade II Listed Building (Courtesy of Historic England)





Figure 4: Application property and the surrounding area

5.6 Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

5.7 Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a Grade II listed building, park or garden should be exceptional.

5.8 Impact on the character and appearance of the Grade II Listed Building

Having regard to the listing description which gives substantial weight to the architectural merits of the building, the installation of three rooflights in the north elevation would not harm those architectural qualities of the listed building for the following reasons:

- i. The proposed development is of a modest scale covering only a limited area of the roof.
- ii. The development would comprise Conservation rooflights set within the roof covering such that they would not appear intrusive.
- iii. From a wider street scene perspective, the development would be appreciated within the context of large, detached dwellings of varying architectural design within spacious plots.
- iv. The external appearance of the rooflights could be secured by a planning condition and this would be consistent with national advice in the NPPF at Paragraph 55.

5.9 Taking these factors into account, it is considered that subject to appropriate conditions, the proposed development would not cause harm to the architectural and aesthetic character or the setting of the listed building and hence, would conform to policy CS14 of the Hertsmere Core Strategy 2013 and policies 29 and 30 of the Site Allocations and the Development Management Policies Plan 2016 and national advice within the NPPF in Chapter 16.

5.10 Other material planning considerations

5.11 It could be argued that the installation of rooflights benefits from deemed permission granted by Article 3.— (1) of the General (Permitted Development) Order 2015 as amended., (GPDO) which states that ‘Subject to the provisions of this Order and regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (general development orders)³⁵, planning permission is hereby granted for the classes of development described as permitted development in Schedule 2. In this case, the relevant part of the GPDO is Class C which permits other alterations to the roof of a dwellinghouse as is the case now. This deemed permission therefore provides a fallback position.

5.12 As set out at Paragraph 3.0 of this Statement, planning permission and listed building consent has previously been granted for an identical development. Notwithstanding that these consents have since expired it is considered that they are still relevant given that there has not been a material change in circumstances in the intervening period such as would require the Local Planning Authority to reach a different conclusion on the current proposal. In this case, the consistency principle is engaged.

Following the dicta in case law, the Planning Practice Guidance (PPG), advises that previous decisions are capable of being material planning considerations. In *North Wiltshire DC v Secretary of State for the Environment [1993] 65 P & CR 137*, the judge stated at p.145 that “To state that like cases should be decided alike presupposes that the earlier case is alike and is not distinguishable in some relevant respect. If it is distinguishable then it will usually lack materiality by reference to consistency although it may be material in some other way. Where it is indistinguishable then ordinarily it would be a material consideration. A practical test for the inspector is to ask himself whether, if I decide this case in a

particular way am I necessarily agreeing or disagreeing with some critical aspect of the decision in the previous case?" One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency in the appellate process. Consistency is self-evidently important to both developers and development control authorities. But it is also important for the purpose of securing public confidence in the operation of the development control system. I do not suggest, and it would be wrong to do so, that like cases must be decided alike. An inspector must always exercise his own judgment. He is therefore free upon consideration to disagree with the judgment of another but before doing so he ought to have regard to the importance of consistency and to give his reasons for departure from the previous decision.'

6.0 CONCLUSIONS

- 6.1 The proposed development would preserve the character and appearance of the listed building.
- 6.2 For the reasons discussed in this Statement, the previous decisions and the deemed permission granted by the GPDO are material planning considerations which should be given significant weight in the determination of the applications.
- 6.3 The development would be modest and represent a sympathetic alteration to the roofscape such that no harm would be caused to the heritage asset.
- 6.4 The provision of rooflights to the habitable space in the loft would enhance the sustainability credentials of the listed building without causing harm to its architectural integrity.

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6.5 In light of the foregoing the LPA is requested to grant planning permission and Listed Building Consent.