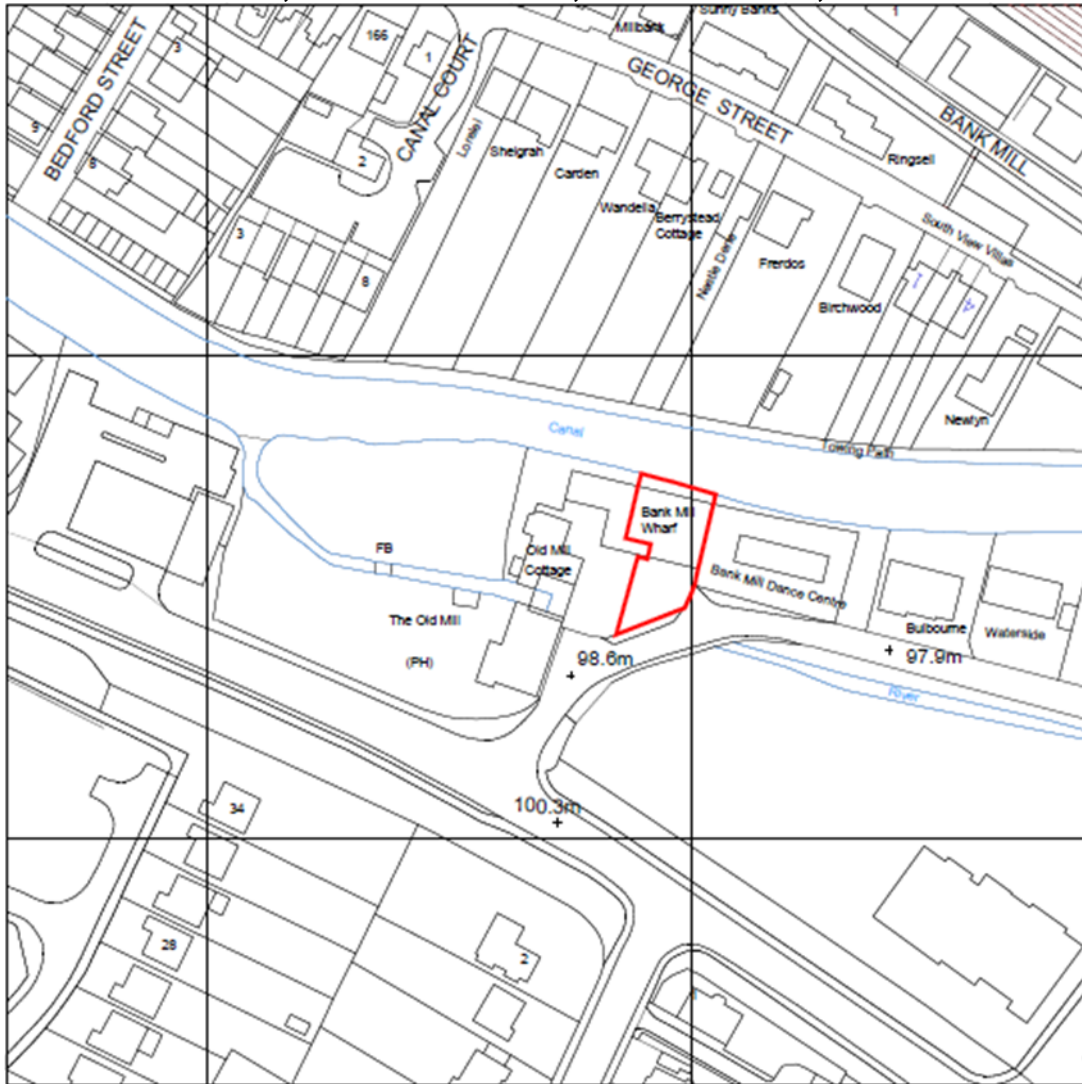


**ITEM 5.12**

**4/00662/15/LBC - INSERTION OF 4 SMALL CONSERVATION ROOF WINDOWS TO REAR ROOF SLOPE AND ASSOCIATED INTERNAL ALTERATIONS  
BANK MILL WHARF, 2 BANK MILL LANE, BERKHAMSTED, HP4 2NT**



**4/00662/15/LBC - INSERTION OF 4 SMALL CONSERVATION ROOF WINDOWS TO REAR ROOF SLOPE AND ASSOCIATED INTERNAL ALTERATIONS  
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**SIDE (EAST) ELEVATION**

**4/00662/15/LBC - INSERTION OF 4 SMALL CONSERVATION ROOF WINDOWS TO  
REAR ROOF SLOPE AND ASSOCIATED INTERNAL ALTERATIONS  
BANK MILL WHARF, 2 BANK MILL LANE, BERKHAMSTED, HP4 2NT  
APPLICANT: MR AND MRS M & L JOHANSEN**

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[Case Officer - Tineke Rennie]

## **Summary**

The application is recommended for approval. The application site is curtilage listed and therefore consideration has been given to preserving the character and setting of the building. The proposed rooflights are located on the northern elevation and therefore would not have a visual impact on the setting of the building, which is focused on the group of listed buildings located to the southwest of the site fronting London Road.

Modern interventions have been permitted as part of the approved residential conversion of the dwelling, and it is considered that the proposals would not have an adverse impact on the character of the building over and above the recent development.

The proposed roof lights would allow for flexible and improved living accommodation that include downstairs accommodation to cater for a relative with disability requirements.

## **Site Description**

Bank Mill Wharf forms part of a group of historic buildings that include Bank Mill Cottage and the Grade II listed Old Mill House Hotel (known as The Old Mill). Bank Mill Wharf, together with Bank Mill Cottage, is a curtilage listed building due to its longstanding historic connection with the The Old Mill. The building adjoins the Grand Union Canal on its northern boundary with Old Mill Cottage to the west and The Old Mill positioned south-west of the site fronting London Road.

Bank Mill Wharf is a two storey brick built building in multi-stock gault type bricks under a plain clay tiled roof. The building appears to date from the 17th century, enlarged in the 19th century and altered through the 19th century. The extensions to the front and side have, through the use of materials to match the principle building, maintained the sense of a working building.

Planning permission and listed building consent was granted in 2014 (ref. 4/01278/13/FUL; 4/00077/14/LBC) to convert the former light industrial building into two dwellings. The application site relates to the second of the pair of attached dwellings on the eastern side of the development and comprises kitchen/lounge, sitting room and bedroom at ground floor level; two bedrooms and a living area at first floor. An external door opens out onto a substantial terrace to the front of the building over the ground floor extension. The terrace is bounded by a glass balustrade.

The area is characterised by a range of buildings including a number of bungalows further east along Bank Mill Lane and a single storey commercial building to the

adjacent site which houses a hairdressers and printworks. Residential development located on the northern side of the canal comprises predominantly modern houses in a range of styles and is generally set back and screened from the canal towpath. Construction of 54 residential units is currently being undertaken at the New Lodge site on the opposite side of Bank Mill Lane.

## **Proposal**

The application seeks listed building consent for the insertion of four conservation type roof lights to the canal side (north elevation) roof slope and the installation of a single flue on the north roof slope for an internal stove to a first floor room.

Planning permission is also being sought for the proposals and a planning application (ref. 4/00661/15/FHA) is being considered in conjunction with this application.

The proposed roof lights and flue are the result of a re-configuration of the internal layout. Bedrooms are being located downstairs in the existing kitchen/lounge area to accommodate elderly relatives with disability requirements who are to occupy the premises in the not too distant future. The principle living accommodation will be relocated to the first floor, comprising a kitchen/dining space and living room that would benefit from the additional natural light obtained by the rooflights.

The application has been submitted following pre-application advice that confirmed that rooflights may be acceptable on the rear elevation providing they are conservation type, smaller and with a vertical emphasis. Similarly, the flue penetration was considered to be potentially acceptable on the rear elevation only. The application has been amended to comply with the requests from Conservation and Design that the chimney flue is positioned below the ridge line and is black.

An application to enlarge the dormer and replace the single door accessing the roof terrace with double doors has been withdrawn. This is following comments from Conservation and Design that the proposals would alter the new part of the building that had been specifically designed to mimic the existing details of the building.

## **Referral to Committee**

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council.

## **Planning History**

- |                |  |
|----------------|--|
| 4/00077/14/LBC | CHANGE OF USE FROM BUSINESS (B1) TO RESIDENTIAL (C3), FORMING 2 DWELLINGS WITH ASSOCIATED ALTERATIONS AND EXTENSIONS.<br>Granted<br>24/04/2014 |
| 4/00075/14/DRC | DETAILS OF MATERIALS, DESIGN, LANDSCAPING, SUSTAINABILITY AND CONTAMINATION AS REQUIRED BY CONDITIONS 2, 3, 4, 5 AND 7 OF                      |

PLANNING PERMISSION 4/01278/13/FUL (CHANGE OF USE FROM BUSINESS (B1) TO RESIDENTIAL (C3), FORMING 2 DWELLINGS WITH ASSOCIATED ALTERATIONS AND EXTENSIONS)  
Granted  
22/10/2014

4/01278/13/FUL CHANGE OF USE FROM BUSINESS (B1) TO RESIDENTIAL (C3), FORMING 2 DWELLINGS WITH ASSOCIATED ALTERATIONS AND EXTENSIONS  
Granted  
05/09/2013

## **Policies**

### National Policy Guidance

National Planning Policy Framework (NPPF)

### Adopted Core Strategy

NP1 - Supporting Development  
CS4 - The Towns and Large Villages  
CS12 - Quality of Site Design  
CS27 - Quality of the Historic Environment  
CS29 - Sustainable Design and Construction

### Saved Policies of the Dacorum Borough Local Plan

Policies 10, 19 and 119  
Appendix 7

### Supplementary Planning Guidance / Documents

Environmental Guidelines (May 2004)  
Area Based Policies (May 2004) - Residential Character Area BCA 3:Bank Mill

### Advice Notes and Appraisals

Sustainable Development Advice Note (March 2011)

## **Summary of Representations**

### Berkhamsted Town Council

The proposed insertion of windows would be detrimental to the character of this Listed Building as would the insertion of the proposed flue.

Contrary to Core Strategy Policy CS 11 and Saved Local Plan Policy 119.

## Conservation and Design

Bank Mill Wharf, 2 Bank Mill Lane has historic connections to what was known as the Lower Mill, now Old Mill House Hotel London Road a statutory listed building, and the Old Mill Cottage. Together they form a group of historic buildings, the two unlisted structures being considered curtilage listed to the Old Mill due to their longstanding historic connection.

A scheme was presented in 2014 to convert Bank Mill Wharf which was formerly used as a light industrial building, into a series of dwellings. A great deal of officer time was given to this conversion and the sensitivity of the structure and its external appearance was of paramount importance. It was considered at the time that the building had been pushed as far as it could to achieve the aims of the developer whilst satisfying the concerns of the local authority.

The Planning (Listed Building & Conservation Areas) Act 1990 requires special regard to the desirability of preserving the setting of a listed building and also special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

NPPF 131: 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 heritage assets can make to sustainable communities including their economic vitality
- The desirability of new developments making a positive contribution to local character and distinctiveness

Para 132 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation ... Significance can be harmed or lost through alteration or destruction of the heritage asset ... As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

POLICY CS27: Quality of the Historic Environment: All development will favour the conservation of heritage assets. The integrity, setting and distinctiveness of designated and undesignated heritage assets will be protected, conserved and if appropriate enhanced.

The NPPF core principles firstly are to always seek to secure high quality design and second, conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

One of the aims of the 2014 conversion of this historic industrial building was to maintain the unbroken roofscape - any proposals for the introduction of rooflights would have been robustly refused. My additional concern is that if this should be supported it could set a precedent for the introduction of further punctuations within the roofscape which should be avoided at all costs. The canalside view of the building remains much as it was which due to controlled and careful design details, despite the increase to the length of the building, has been maintained. This is also my argument regarding the stainless steel flue – even if it had been considered to be supported it would have been for something below the ridgeline and also black.

Another paramount aim of the 2014 scheme was to maintain the industrial character of the building as well as maintaining this as an impression with its public views: from London Road (hence the glass balustrading) and the canalside (hence unbroken roofscape).

There is a failure by the applicant to recognise the importance of the heritage asset and instead to focus on the 'merits' of removing historic fabric, replacing it with unsuitable interventions or obscuring it with unsuitable materials, or changing the form of a carefully considered modern addition to an historic building which has been supported for conversion in 2014 but with the particular aim of maintaining the overall historic integrity which will not be maintained by the proposed introduction of rooflights.

I therefore recommend this application for refusal.

## **Considerations**

### Policy and Principle

Bank Mill Wharf is a curtilage listed building and therefore it is important to have special regard to the impact of the alterations on the character and setting of the building.

Paragraph 131 of the NPPF requires consideration to be given to sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Policy 119 of the DBLP states that: "*Consent to alter or extend listed buildings will only be granted where it can be satisfactorily demonstrated that the proposal will be carried out in a manner appropriate to the scale, proportion and external and internal appearance or historic character of the building to which it relates.*" In this regard, consideration should be given to the intrinsic architectural and historic interest of the building; the physical features of the building which justify its inclusion as a listed building; its setting and contribution to the local scene; and the extent to which it would bring substantial benefits to the local community.

On the basis that the building is curtilage listed and does not have a statutory listing in its own right, the historic or architectural interest of the building is not documented. The officer's report for the application for the residential conversion of the building established that "*the main two storey element is of some architectural merit, retaining a number of traditional features including metal shutters to a number of windows.*" As outlined above, consideration should therefore be given to the overall character and setting of the building which is established by the Old Mill House and Old Mill Cottage, located to the south-west of the building. The impact that the proposals would have on the setting and the building itself is discussed further in the sections below.

The residential use of the building has been established by the previous planning permission where it was considered that the development was designed to a high standard without having an adverse affect on the architectural or historic interest of the building and its setting. The development has been implemented however the applicant is seeking the revise the living accommodation in accordance with their circumstances. They have submitted that inadequate levels of daylighting are being achieved in accordance with Building Regulations (AD L). It is recognised that historic buildings often experience lower levels of daylighting; however the application seeks to improve these levels resulting in an improved standard of

accommodation whilst also sustaining and enhancing the significance of the heritage asset.

It is considered that the proposals are appropriate to the scale, proportion and external appearance and historic character of the building for the reasons set out below.

#### Effects on appearance and setting of the building

The approved development sought to maintain most of the existing traditional features of the building together with constructing a side extension which forms approximately one third of the application site. A number of modern features were also introduced such as a fully glazed conservatory (that has not been implemented) together with the glass balustrading surrounding the front terrace. Conservation and Design stated in their comments to this application that one of the aims of the conversion was to maintain the unbroken roofscape. However, it is considered that the insertion of four conservation type roof lights to the rear elevation would, similar to the fully glazed conservatory and glass balustrading, introduce a modern adaption enabling flexible and improved living arrangements. They are of a small scale that would not detract from the 'working wharf' character and appearance of the building. A flue would be consistent with a 'working wharf' industrial type building and would similarly not detract from the character of the building.

The setting of the building is established by the statutory listed building Old Mill House and curtilage listed Old Mill Cottage which are located to the south-west of the site, surrounding the paved courtyard area to the front of the application site and fronting London Road. The positioning of the roof lights on the northern slope (rear elevation) of the building would not have an impact on the focus of this setting. This is reflected in the pre-application advice that set out that acceptability of the insertion of roof lights to the rear slope.

The small size of the roof lights would be proportionate to the roof slope. They would not protrude beyond the roof slope and would therefore have a minimal visual impact on the appearance of the building to the rear. As the eastern half of the application site is a new-build, the two roof lights positioned on the western side of the dwelling only would result in an intervention to historic roof fabric. Given the small size of the roof lights this minor area of intrusion is considered acceptable in the context of the overall alterations to the building that have recently taken place.

In order to re-arrange the internal layout, the openings from the living room to the library and the hallway to the kitchen at first floor levels would result in a larger opening between the respective rooms. Each of these openings are to the new extensions to the building and therefore the changes would not result in any unacceptable alterations to the original plan form. Conservation and Design have not raised any objection to the proposed internal alterations. The applicant has also submitted that the proposals present an opportunity to remove the flat ceilings at first floor level and expose the sweep of the roof slope internally which is more in keeping with a working wharf building and is welcomed.



## Impact on Street Scene

The surrounding area is characterised by predominantly modern dwellings comprising bungalows, detached and semi-detached dwellings together with the new-build of the New Lodge site. Many dwellings in this location including those backing onto the canal have roof lights. The introduction of roof lights at the application site would therefore not have an adverse visual impact on the street scene.

## Sustainability

Calculations undertaken by the applicant demonstrate that all of the existing rooms have windows of less than 20 percent of floor area providing inadequate lighting, resulting in a reliance on artificial lighting. The addition of two rooflights to the proposed living area and kitchen would increase the amount of glazing by 50% and significantly increase the amount of natural light to these rooms resulting in improved energy efficiency.

**RECOMMENDATION** – That listed building consent be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **The works for which this consent is granted shall be begun before the expiration of three years from the date of this consent.**

Reason: To comply with section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 2 **The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings or such other materials as may be agreed in writing by the local planning authority.**

Reason: To safeguard the character and appearance of the curtilage Listed Building and to accord with adopted Core Strategy Policies CS12 and CS27.

- 3 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

**P-21 Site Location Map;  
P-10 Rev A;  
P-11 Rev A;  
P-12 Rev A;  
P-29.**

Reason: For the avoidance of doubt and in the interests of proper planning.

## Article 31 Statement

Listed building consent has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.