

ITEM NUMBER: 5i

21/01336/LBC	Construction of two new semi-detached cottages and new boundary wall.	
Site Address:	64 High Street Markyate St Albans Hertfordshire AL3 8HZ	
Applicant/Agent:	Mr & Mrs Gower	Mr Andrew Whiteley
Case Officer:	Natasha Vernal	
Parish/Ward:	Markyate Parish Council	Watling
Referral to Committee:	Contrary view of Markyate Parish Council	

1. RECOMMENDATION

1.1 That listed building consent be **GRANTED** subject to conditions.

2. SUMMARY

2.1 The proposed works are considered to be sympathetic to the original design and character of Grade II Listed Building at No.64 High Street, protecting and conserving the integrity, setting and distinctiveness of these designated heritage assets. Furthermore, it is also considered that sufficient information has been provided in support of the application to verify that the proposed works would be appropriate to the scale, proportion and internal/external appearance of the Listed Building. As such, the proposed works are acceptable in accordance with the aims of Paragraphs 192, 193, 195 and 196 of the National Planning Policy Framework (2019); Saved Policies 119 and 120 of the Dacorum Borough Local Plan (2004), Section 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and Policy CS27 of the Core Strategy (2013).

3. SITE DESCRIPTION

3.1 The site is located within the large village of Markyate and is to the south west of the High Street. The site is situated to the rear of Grade II Listed Buildings at Nos. 56, 58, 60, 62 and 64 (High Street), within the Markyate Conservation Area and an area of archaeological significance. The site contains a group of Yew Trees which are subject to Tree Preservation Orders. The trees are to the south of the site separating the site from the parking area to properties along Buckwood Road (North Court).

4. PROPOSAL

4.1 This application seeks listed building consent for the construction of a pair of semi-detached dwellings and new boundary wall.

4.2 This current application is in conjunction with a full planning application under LPA ref: 21/01335/FUL.

4.3 It is noted that a previous application for the construction of two detached dwellings with new boundary wall under LPA ref: 20/03740/LBC was refused at the site for the following reasons (in italics):

4.4 It should be noted that the previous scheme was refused under LPA ref: on the grounds of: The layout, design and scale of the proposed development are not sympathetic to the Markyate Conservation Area and would cause harm to the setting, historic plan form and fabric of the Listed Building. The proposed scheme therefore fails to comply with the NPPF (2019), Policy CS27 of the

Core Strategy (2013), Saved Policy 119 of the Dacorum Local Plan (2004) and Section 66 of The Planning (Listed Building and Conservation Areas) Act (1990).

4.5 The amended scheme addresses the concerns raised by the Conservation Officer by scaling down the development into a semi-detached pair of two bedroomed two storey dwellings. The proposal introduces traditional materials that is considered to be in keeping with the Markyate Conservation Area and the Grade II listed buildings.

5. PLANNING HISTORY

Planning Applications (If Any):

20/02067/FUL - Construction of two new bungalows and garden boundary wall.
WDN - 16th September 2020

20/03739/FUL - Construction of two new detached dwellings and new boundary wall
REF - 5th February 2021

20/03740/LBC - Construction of two new detached dwellings and new boundary wall
REF - 5th February 2021

21/01335/FUL - Construction of two new semi-detached cottages and new boundary wall.
PDE -

4/0071/81 - Historic File Check DMS for Documents and Further Details
DET - 26th February 1981

4/1071/86 - Historic File Check DMS for Documents and Further Details
DET - 3rd September 1986

4/0835/83 - Historic File Check DMS for Documents and Further Details
DET - 2nd September 1983

4/00274/17/FUL - New dwelling and garage
GRA - 23rd March 2017

4/01743/13/FUL - New dwelling and garage within rear garden of existing house
REF - 13th February 2014

4/00904/08/TPO - Works to trees
GRA - 14th May 2008

4/00643/07/TCA - Works to trees
REF - 24th April 2007

4/00460/05/LBC - Affix railings to front elevation, move house number sign and alterations to existing gates
WDN - 9th March 2005

4/01706/03/TCA - Works to trees
RNO - 2nd September 2003

4/00933/02/LBC - Alterations to garage to form a utility room
GRA - 19th July 2002

4/01157/00/TCA - Pruning of three yew trees
RNO - 27th July 2000

Appeals (If Any):

4/01743/13/FUL - Development Appeal
- 19th August 2014

6. CONSTRAINTS

Area of Archaeological Significance: 2

CIL Zone: CIL3

Markyate Conservation Area

Former Land Use (Risk Zone):

Large Village: Markyate

Listed Building, Grade: II,

Listed Building, Grade: II,

Parish: Markyate CP

RAF Halton and Chenies Zone: Green (15.2m)

Residential Area (Town/Village): Residential Area in Town Village (Markyate)

Parking Standards: New Zone 3

EA Source Protection Zone: 3

Tree Preservation Order: 454, Details of Trees: T1 Yew

Tree Preservation Order: 454, Details of Trees: T2 Yew

Tree Preservation Order: 454, Details of Trees: T3 Yew

Tree Preservation Order: 540, Details of Trees: T1 Common Yew

Tree Preservation Order: 454, Details of Trees: T4 Yew

7. REPRESENTATIONS

Consultation responses

7.1 These are reproduced in full at Appendix A.

Neighbour notification/site notice responses

7.2 These are reproduced in full at Appendix B.

8. PLANNING POLICIES

Main Documents/Policies:

Planning (Listed Building and Conservation Areas) Act 1990 – Section 16(2) and 66(1)

National Planning Policy Framework 2019 – Section 16

Dacorum Borough Core Strategy 2013 – Policy CS27

Dacorum Borough Local Plan 2004 – Saved Policies 119 and 120

9. CONSIDERATIONS

Main Issues

9.1 The main issues to consider are:

The policy and principle justification for the proposal; and

The impact on significance of heritage assets.

Principle of development

9.2 The main issue of relevance to the consideration of this application relate to the impact of the proposed works on the character and appearance of the Grade II listed building at No.64 High Street.

9.3 Policy 119 of the Dacorum Local Plan (2004) states that every effort will be made to ensure that any new development liable to affect the character of a listed building will be of such a scale and appearance, and will make use of such materials, as will retain the character and setting of the listed building.

9.4 Regard has been given to the statutory tests of preserving or enhancing the setting of Listed Buildings under Sections 66 and 72 of The Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty.

9.5 Paragraph 192 of the NPPF (2019) states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 193 of the NPPF outlines that 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. Paragraph 195 states that where proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, Local Planning Authorities should refuse consent unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm. Where the harm is considered less than substantial, Paragraph 196 states that this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

9.6 The site is also located within Markyate Conservation Area, whereby development is expected to preserve and enhance the character and appearance of the surrounding area, in accordance with Core Strategy Policy CS27, Saved Policy 120 of the Local Plan (2004) and the NPPF (2019).

9.7 The application site is concealed from the public realm with glimpses of the application site seen from High Street. No. 64 High Street is a statutory Grade II listed building, which started life as a late C16 Inn, but has been a private house in more recent years. The rear garden contains a group of Yew Trees which are subject to Tree Preservation Orders.

9.8 The site comprises a pair of semi-detached dwellings featuring facing brickwork and smooth painted render, plain roof tiles. The proposed fenestration materials are yet to be confirmed. The proposed dwellings would be set back from the public highway by approximately 40 metres. Plots one and two would comprise a kitchen area, living room and a cloak room at ground floor with a bathroom and two bedrooms at first floor.

9.9 The Council's Conservation Officer was consulted and provided the following representation (in italics):

9.10 The site is an area of garden to the rear of the high street. Previously a dwelling was allowed at appeal. The proposal is now for two small cottages. These are on the site of the approved dwelling. They sit more comfortably within the general context of the street pattern and better reflect the character of the Conservation Area. We welcome the introduction of the visual interest and variation in treatment to the individual cottages. As such we believe that it would not cause harm to the character of the conservation area nor the setting of the nearby listed buildings. As such we believe that it is appropriate with regards to the national and local policy and guidance in that it does not harm the significance of either the listed buildings or conservation area.

9.11 *Recommendation no objection. The external materials including rainwater goods and joinery details and finishes should be conditioned. As should the hard and soft landscaping.*

9.12 In light of the comments provided by the Conservation and Design Officer, no harm has been identified to the Markyate Conservation Area as the proposed works are considered to be sympathetic to the original design and character of the Listed Buildings on High Street, protecting and conserving the integrity, setting and distinctiveness of this designated heritage asset. In comparison to the previous refused scheme under LPA ref: 20/03739/FUL, the proposed scheme through design, scale and positioning are considered sympathetic to the Markyate Conservation Area and would not cause harm to the setting, historic plan form and fabric of the Listed Buildings on High Street.

9.13 Taking the above policies into account, the proposed construction of two dwellings and new boundary wall is considered acceptable in principle. In accordance with Core Strategy Policy CS27, Saved Policy 120 of the Local Plan (2004) and the NPPF (2019).

Impact on significance of heritage assets

Markyate Parish Council

9.14 Markyate Parish Council has objected on the grounds that the infill development would be out of keeping and would overdevelop the plot. Further, the development would be dangerous in terms of access and would not allow appropriate access for emergency vehicles.

9.15 It should be noted that an application for a detached dwelling and garage was granted planning permission under LPA ref: 4/00274/17/FUL. Before that, an application for a detached dwelling and garage was allowed at appeal in 2013 under LPA ref: 4/01743/13/FUL.

9.16 The development would be located in a sustainable location and would seek to optimise the use of urban land. The proposed dwellings would be concealed from the public realm and the arch way would be retained. Although HCC Highways and Fire and Rescue raised concerns on the current scheme under LPA ref: 21/01335/FUL, these were resolved by a domestic sprinkler system and therefore, HCC Highways and Fire Rescue raise no objections and considered the proposed development acceptable subject to conditions and informative notes.

10. CONCLUSION

10.1 Paragraph 59 of the NPPF seek to boost the supply of housing and paragraph 118 promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. Paragraph 68 states that decision makers should give great weight to the benefits of using suitable sites within existing settlements for homes. Additionally, Saved Policy 10 of the Local Plan (2004) seeks to optimise the use of available land within urban areas.

10.2 Taking all of the above into account, the proposal is acceptable in principle and would make a small but valuable contribution to the Borough's existing housing stock (in accordance with Policy CS17). The proposal is in accordance with Policies CS4 and CS17 of the Core Strategy (2013), Saved Policy 10 of the Local Plan (2004) and the NPPF (2019).

10.3 The proposed works are considered to be sympathetic to the original design and character of Grade II Listed Building at No. 64 High Street, protecting and conserving the integrity, setting and distinctiveness of these designated heritage assets. Furthermore, it is also considered that sufficient information has been provided in support of the application to verify that the proposed works would be appropriate to the scale, proportion and internal/external appearance of the Listed Building. As such, the proposed works are acceptable in accordance with the aims of Paragraphs 192, 193,195

and 196 of the NPPF (2019); Saved Policy 119 of the Dacorum Borough Local Plan (2004), Sections 66 and 72 Planning (Listed Building and Conservation Areas) Act 1990 and Policy CS27 of the Core Strategy (2013).

11. RECOMMENDATION

11.1 That listed building consent be **GRANTED** subject to conditions.

Condition(s) and Reason(s):

- 1. The works hereby permitted shall begin 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, as amended by Section 51 (4) of the Planning and Compulsory Purchase Act 2004.

- 2. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:**

- 22103/SEMIB
- 04/FIRE1

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

Informatives:

- 1. 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 (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015.

APPENDIX A: CONSULTEE RESPONSES

Consultee	Comments
<p>Markyate Parish Council</p>	<p>Objection. We support what Highways say in their report regarding concerns for safety in case of a fire at this property. No objections to plans, per-se, although infilling is not favoured, as per our village plan. Also concerns regarding sightline onto High Street when exiting the site; this could be very dangerous.</p> <p><u>Further comments received 20-05-21</u></p> <p>Whilst taking note of your email below, it is my understanding that the Parish Council were happy with the design of these two houses, as an improvement to the single larger property previously proposed. So if objections to their being built were not accepted, they do not oppose their design. However, we did oppose any building at the rear of 64 High</p>

	<p>Street on several grounds:</p> <p>Unsafe access in the case of fire - as per Highways comments. In filling behind High Street property - this was a policy for the village identified in the Parish Plan (not time sensitive) Unsafe access onto the High Street with insufficient sight lines onto a narrow road, almost opposite a gateway on the East of the High Street.</p> <p>Therefore my Council remain with an objection to this application.</p>
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APPENDIX B: NEIGHBOUR RESPONSES

Number of Neighbour Comments

Neighbour Consultations	Contributors	Neutral	Objections	Support
0	0	0	0	0

Neighbour Responses

Address	Comments