

26 STONEHILLS,
WELWYN GARDEN CITY
**BUILT HERITAGE
STATEMENT**

PREPARED BY PEGASUS GROUP
ON BEHALF OF AMSPROP REAT LIMITED

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BUILT HERITAGE STATEMENT

26 STONEHILLS, WELWYN GARDEN CITY, AL8 6NA

ON BEHALF OF: AMSPROP REAT LIMITED

PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990

Prepared by: Simon Britt MRTPI - PRINCIPAL HERITAGE CONSULTANT

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1. Introduction

- 1.1 Pegasus Group have been commissioned by Ampsrop Reat Limited to prepare a Built Heritage Statement to consider the proposed application for Planning Permission for the conversion of the first and second floors of the building together with an additional storey to provide residential accommodation (total 27 dwellings); the retention of the ground floor for Class A uses at 26 Stonehills, Welwyn Garden City, AL8 6NA, as shown on the Site Location Plan provided at Plate 1.
- 1.2 The Site is a department store built in the late 1950s on the east side of Stonehills, in the town centre of Welwyn Garden City. The Site is within the Welwyn Garden City Conservation Area and the building is considered to be a key unlisted building in the Conservation Area.¹
- 1.3 This Built Heritage Statement provides information with regards to the significance of the historic environment to fulfil the requirement given in paragraph 189 of the Government's National Planning Policy Framework (the NPPF²) which requires:

"an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."

¹ Although the building is not identified on the plan at Appendix 1 of the Welwyn Garden City Conservation Area Appraisal, it is referred to as such in the text of the document.

- 1.4 In order to inform an assessment of the acceptability of the scheme in relation to impacts to the historic environment, following paragraphs 193 to 197 of the NPPF, any harm to the historic environment resulting from the proposed development is also described, including impacts to significance through changes to setting.
- 1.5 As required by paragraph 189 of the NPPF, the detail and assessment in this Report is considered to be "*proportionate to the asset's importance*".
- 1.6 An application for pre-application advice was submitted to the Local Planning Authority on 10th July 2017 and a written response was received on 18th August 2017 (application reference 6/2017/1493/PA). The advice confirmed that the Site is within the Welwyn Garden City Conservation Area and in relation the proposed alterations to the building and the impact on the character and appearance of the Conservation Area the advice reads as follow.

"Local Plan Policies D1 and D2, alongside the SDG, seek to ensure a high quality of design which relates to the character and context of the dwelling and surrounding area. All development is expected to respect the

² NPPF, MH&LG, 2019

architectural style and characteristics of the town centre. The site lies within a prominent entrance to the town centre and accordingly the requirement to protect the architectural style and characteristics are enhanced. The heritage asset is, in line with the above discussion, considered to have a high value in contributing to the significance of the Conservation Area.

With regards to the alterations at first and second floor these would be contained within the existing building and therefore there would be no discernible impact within the conservation area. However, the alterations to the building creating a third floor would impact the appearance of the conservation area.

Discussions concluded that the existing mansard roof would not be altered and there are still design considerations to make. However, the biggest impact would be in insertion of dormer windows. This in itself is not considered to be harmful to the conservation area with similar examples seen to the neighbouring unit and planning permission has been granted at the site opposite. As no detailed drawings have been submitted I am unable to comment, however it is considered that the proposed roof alterations have the potential to be of a good quality design which preserves the heritage asset within the Conservation Area. It was noted that the indicative plans suggest some glazed element at roof level, comments made during the course of the meeting, were that anything contemporary in design should not be readily visible from within the public realm, therefore

this should be kept in mind, when developing the scheme."

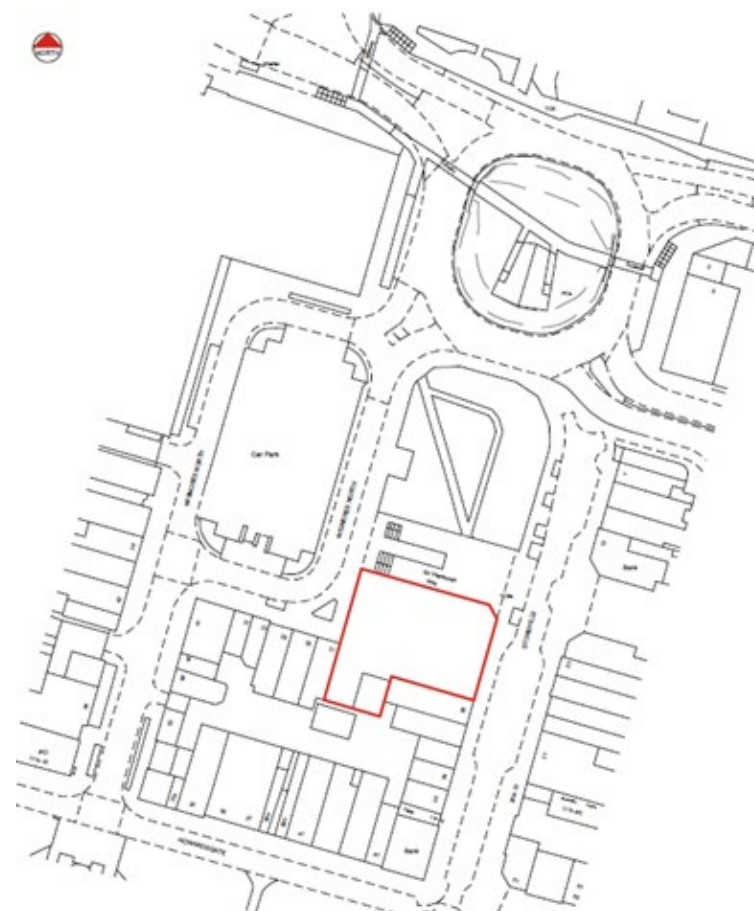


Plate 1: Site Location Plan.

2. Site Description and Location

- 2.1 The Site is within the town centre of Welwyn Garden City and within the boundaries of the Welwyn Garden City Conservation Area. The Site contains a three-storey late 1950s department store built in the neo-Georgian style and formerly the Co-Operative and now Debenhams department store. The building occupies a corner location on the junction of Stonehills and Sir Theodore's Way. To the north of the Site is an area of open space known as Anniversary Gardens.

Site Development

- 2.2 The history of Welwyn Garden City originates in 1898 with the publication of a book called '*Tomorrow: a peaceful path to real reform*' written by Ebenezer Howard and later reissued in 1902 as '*Garden Cities of Tomorrow*'.
- 2.3 Howard was the father of the 'Garden City' where he believed that for city growth there should be moderate sized industrial towns in close contact with a surrounding agricultural countryside. Each town would be healthy, well equipped and coherent with zoning of areas with easy access between home, workplace, shops and cultural centres.
- 2.4 His ideas were put into practice with the building of Letchworth, the first garden city commencing in 1909. Following the purchasing of farms in Hertfordshire by Howard in 1920 Welwyn Garden City Limited was set up and the seed was sown for the

second garden city. In the same year the architect/planner Louis de Soissons was appointed and quickly presented his master plan for the city (Plate 2).



Plate 2: Louis de Soissons' First Master Plan of Welwyn Garden City, 1920. Source: Welwyn Garden City Conservation Area Appraisal.



Plate 7: Ordnance Survey Plan surveyed 1960.

- 2.12 The Site was originally the Co-Op Department Store, (see Plate 8) and remained as such until the mid-2000s when the store became the Debenhams Department Store, which is its current use.



Plate 8: The Site c1960. Source: Welwyn Garden City Conservation Area Appraisal.

Planning History

- 2.13 No relevant planning history for the Site was identified within the recent planning history records held online by Welwyn Hatfield Borough Council.

3. Proposed Development

3.1 The application seeks Planning Permission for the conversion of the first and second floors from retail to residential use and the creation of a third floor for residential use with an increase to the height of the existing roof, alteration of one single hip to gable and addition of 22 no. dormer windows.

3.2 The proposals are detailed on the following plans which form the application package and which this assessment considers:

- **Location Plan. Drawing No SK100**
- **Existing basement and ground floor plan. Drawing No 7654_SK002**
- **Existing first floor plan. Drawing No 7654_SK003**
- **Existing second floor plan. Drawing No 7654_SK004**
- **Existing roof plan. Drawing No 7654_SK005**
- **Existing elevations. Drawing No 7654_SK006**
- **Existing elevations. Drawing No 7654_SK007**
- **Existing elevations. Drawing No 7654_SK008**

- **Existing Site plan. Drawing No 7654_SK009**
- **Proposed basement and ground floor plans. Drawing No 7654_SK101C**
- **Proposed first floor plan. Drawing No 7654_SK102D**
- **Proposed second floor plan. Drawing No 7654_SK103D**
- **Proposed third floor plan. Drawing No 7654_SK104C**
- **Proposed roof plan. Drawing No. 7654_SK105A**
- **Proposed elevations east and north. Drawing No 7654_SK301A**
- **Proposed elevations west and south. Drawing No. 7654_SK302A**
- **Proposed sections. Drawing No. 7654_SK303C**

3.3 Section 7 of this Report presents an analysis of the harm or benefits of the proposed development on the identified heritage assets discussed at Section 6.

4. Methodology

- 4.1 The aims of this Built Heritage Statement are to assess the heritage significance of the buildings and the contribution that the Site makes to the heritage significance of the Conservation Area and the setting of any identified heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused if relevant.

Site Visit

- 4.2 A site visit was undertaken by Pegasus Group on 2nd April 2019, during which the Site and its surrounds were assessed. Selected heritage assets were assessed from publicly accessible areas.

- 4.3 The visibility on this day was clear. Surrounding vegetation was not fully in leaf at the time of the site visit and thus a clear indication as to potential intervisibility between the Site and the surrounding areas could be established.

Sources

- 4.4 The following key sources have been consulted as part of this assessment:
- **The National Heritage List for England for information on designated heritage assets;**

³ NPPF Annex 2, MH&LG, 2019

- **The Welwyn Garden City Conservation Area Appraisal as prepared by Welwyn Hatfield Borough Council and Conservation Architecture and Planning;**
- **British Newspaper Archive;**
- **Our Welwyn Garden City part of Hertfordshire Community Archive Network;**
- **Archival sources held at the Welwyn Garde City Library and Hertfordshire Archives, and Historic England Archives, Swindon; and**
- **Aerial photographs and satellite imagery.**

Assessment of significance

- 4.5 In the NPPF, heritage significance is defined as:

“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. ³For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance”

- 4.6 Historic England’s Historic Environment Good Practice advice in Planning Note 2: Managing Significance in Decision Taking in the

Historic Environment⁴ (henceforth referred to as 'GPA 2: Managing Significance') gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset. In order to do this, GPA 2: Managing Significance also advocates considering the four types of heritage value an asset may hold, as identified in Historic England's Conservation Principles⁵; **evidential**, **historical**, **aesthetic** and **communal**. These essentially cover the heritage 'interests' given in the glossary of the NPPF, which comprise archaeological, architectural, artistic and historic interest.

- 4.7 *Conservation Principles* provides further information on the heritage values it identifies:

Evidential value: the potential of a place to yield evidence about past human activity. This value is derived from physical remains, such as archaeological remains, and genetic lines.

Historical value: the ways in which past people, events and aspects of life can be connected through a place to the present - it tends to be illustrative or associative. Illustrative value is the perception of a place as a link between past and present people and depends on visibility. It has the power to aid interpretation of the past through making connections with and providing insights into past communities and their activities through shared experience of a place. By contrast, associative value need not necessarily be legible at an asset, but gives

a particular resonance through association with a notable family, person, event or movement.

Aesthetic value: the ways in which people draw sensory and intellectual stimulation from a place. Aesthetic values can be the result of conscious design or fortuitous outcome or a combination of the two aspects. The latter can result from the enhancement of the appearance of a place through the passage of time.

Communal value: the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory. This can be through widely acknowledged commemorative or symbolic value that reflects the meaning of the place, or through more informal social value as a source of identity, distinctiveness, social interaction and coherence. Spiritual value may also be part of communal value.

- 4.8 Significance results from a combination of any, some or all of the values described above.
- 4.9 Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Setting and significance

- 4.10 As defined in the NPPF:

"Significance derives not only from a heritage asset's physical presence, but also from its

⁴ Historic England, 2015, *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment*

⁵ English Heritage 2008 *Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment*

setting.”⁶

4.11 Setting is defined as:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”⁷

4.12 Therefore, setting can contribute to, affect an appreciation of significance or be neutral with regards to heritage values.

4.13 It is also important to note that whilst a physical or visual connection between a heritage asset and its setting will often exist, it is not essential or determinative. This was recently considered in a High Court Judgement⁸ where it was concluded that:

“The term setting is not defined in purely visual terms in the NPPF which refers to the “surroundings in which a heritage asset is experienced”. The word “experienced” has a broad meaning, which is capable of extending beyond the purely visual”.

⁶ NPPF Annex 2, MH&LG, 2019

⁷ Ibid

Assessing change through alteration to setting

4.14 How setting might contribute to these values has been assessed within this report with reference to *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets*⁹ (henceforth referred to as *GPA 3: The Setting of Heritage Assets*), particularly the checklist given on page 11. This advocates the clear articulation of ‘*what matters and why*’.

4.15 In *GPA 3: The Setting of Heritage Assets*, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess “*whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciate*”. The guidance includes a (non-exhaustive) check-list of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists points associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, land use, accessibility and rarity.

⁸ EWHC 1456, *Steer v. Secretary of State for Communities and Local Government, Catesby Estates Limited, Amber Valley Borough Council*, 2017.

⁹ Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets*

4.16 Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to “*maximise enhancement and avoid or minimise harm*”. Step 5 is to “*make and document the decision and monitor outcomes*”.

4.17 Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

Levels of significance

4.18 In accordance with the levels of significance articulated in the NPPF, three levels of significance are identified:

- **Designated heritage assets of the highest significance**, as identified in paragraph 194 of the NPPF comprising Grade I and II* Listed buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 63 of the NPPF;
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 194

of the NPPF, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas); and

- **Non-designated heritage assets.** Non-designated heritage assets are defined within the Government’s Planning Practice Guidance as “*buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets*”¹⁰.

4.19 Additionally, it is of course possible that sites, buildings or areas have **no heritage significance**.

Assessment of harm

4.20 Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighing exercise as required by the NPPF.

4.21 In order to relate to key policy, the following levels of harm may potentially be identified:

- **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013¹¹ that this would be harm that would “have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very

¹⁰ DCLG, Planning Practice Guidance, Paragraph: 039 (ID: 18a-039-20140306, Revision date: 06 03 2014)

¹¹ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

much reduced”; and

- **Less than substantial harm.** Harm of a lesser level than that defined above.

- 4.22 It is also possible that development proposals will cause **no harm or preserve** the significance of heritage assets. A High Court Judgement of 2014 is relevant to this¹². This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, ‘preserving’ means doing ‘no harm’.
- 4.23 Preservation does not mean no change; it specifically means no harm. *GPA 2: Managing Significance* states that “*Change to heritage assets is inevitable but it is only harmful when significance is damaged*”. Thus, change is accepted in Historic England’s guidance as part of the evolution of the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.
- 4.24 As part of this, setting may be a key consideration. For an evaluation of any harm to significance through changes to setting, this assessment follows the methodology given in *GPA 3: The Setting of Heritage Assets*, described above. Again, fundamental to the methodology set out in this document is stating ‘*what matters and why*’. Of particular relevance is the

¹² EWHC 1895, R (Forge Field Society, Barraud and Rees) v. Sevenoaks DC, West Kent Housing Association and Viscount De L’Isle

¹³ Historic England, 2017, *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition): The Setting of Heritage Assets (paragraph 9)*

checklist given on page 13 of *GPA 3: The Setting of Heritage Assets*.

- 4.25 It should be noted that this key document states that:

“setting is not itself a heritage asset, nor a heritage designation”¹³

- 4.26 Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage values that contribute to this significance, through changes to setting.
- 4.27 With regards to changes in setting, *GPA 3: The Setting of Heritage Assets* states that “conserving or enhancing heritage assets by taking their settings into account need not prevent change”.
- 4.28 Additionally, it is also important to note that, as clarified in the Court of Appeal¹⁴, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor, would necessarily require Planning Permission to be refused.

Benefits

- 4.29 Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance

¹⁴ Palmer v Herefordshire Council & Anor [2016] EWCA Civ 1061 (04 November 2016)

the heritage values and hence significance of the assets concerned.

5. Planning Policy Framework

5.1 This section of the Report sets out the legislation and planning policy considerations and guidance contained within both national and local planning guidance which specifically relate to the application Site, with a focus on those policies relating to the protection of the historic environment.

Legislation

5.2 Legislation relating to the Built Historic Environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990* which provides statutory protection for Listed Buildings and Conservation Areas.

5.3 With regards to development within Conservation Areas, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

“In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

5.4 Notwithstanding the statutory presumption set out within the Planning (Listed Buildings and Conservations Area) Act 1990, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the Development Plan unless material

considerations indicate otherwise.

National Policy Guidance

The National Planning Policy Framework (February 2019)

5.5 National policy and guidance is set out in the Government’s National Planning Policy Framework (NPPF) published in February 2019. This updated the previous National Planning Policy Framework 2018, which in turn had amended and superseded the previous 2012 version. The NPPF needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

5.6 The NPPF sets out the Government’s economic, environmental and social planning policies for England. Taken together, these policies articulate the Government’s vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The NPPF continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

5.7 The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable

development (the 'presumption') sets out the tone of the Government's overall stance and operates with and through the other policies of the NPPF. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

- 5.8 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF sets out three "objectives" to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the NPPF. The presumption is set out in full at paragraph 11 of the NPPF and reads as follows:

"Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;**

- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:**

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or**
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.**

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or**
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:**
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or**

- ii. **any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”**

5.9 However, it is important to note that footnote 6 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, and Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.” (our emphasis)

5.10 The NPPF continues to recognise that the planning system is plan-led and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

5.11 Heritage Assets are defined in Annex 2 of the NPPF as:

“A building, monument, site, place, area or landscape identified as having a degree of

significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including Local Listing).”

5.12 The NPPF goes on to define a Designated Heritage Asset as a:

“World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation.”¹⁵ (our emphasis)

5.13 As set out above, significance is also defined as:

“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.”¹⁶

5.14 Section 16 of the NPPF relates to ‘Conserving and enhancing the historic environment’ and states at paragraph 190 that:

“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account

¹⁵ NPPF Annex 2, MH&LG, 2019

¹⁶ IBID

when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

5.15 Paragraph 192 goes on to state that:

"In determining planning applications, local planning authorities should take account of:

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

5.16 With regard to the impact of proposals on the significance of a heritage asset, paragraphs 193 and 194 are relevant and read as follows:

"193 – 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

"194 – Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens should be exceptional;**
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."**

5.17 In the context of the above, it should be noted that paragraph 195 reads as follows:

"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and**
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and**

- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use"

5.18 Paragraph 196 goes on to state:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"

5.19 The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 200 that:

"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."

5.20 Paragraph 201 goes on to recognise that *"not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance"* and with regard to the potential harm from a proposed development states:

"Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole" (our emphasis)

5.21 With regards to non-designated heritage assets, paragraph 197 of NPPF states that:

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

5.22 Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material considerations for application proposals.

5.23 As set out later in this Report, it can be demonstrated that the

proposals would serve to preserve the character and appearance of the Conservation Area. Thus, the planning application should be granted as per the requirements of paragraph 38 which states that:

“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

National Planning Guidance

- 5.24 The Department for Communities and Local Government (DCLG) launched the planning practice web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.
- 5.25 This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.
- 5.26 The PPG has a discrete section on the subject of ‘Conserving and enhancing the historic environment’ which confirms that the

¹⁷ PPG, paragraph 009 (ID: 18a-009/20140306 revision date 06.03.2014)

consideration of ‘significance’ in decision taking is important and states:

“Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals¹⁷”

- 5.27 In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

“In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting¹⁸.”

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than

¹⁸ PPG, paragraph 017 (ID: 18a-017-20140306 revision date 06.03.2014)

substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm” (our emphasis)

5.28 With regard to design the PPG states at paragraph 02 that:

“Good design should:

- **ensure that development can deliver a wide range of planning objectives**
- **enhance the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on well being**
- **address the need for different uses sympathetically¹⁹.”**

5.29 Paragraph 23 goes on to explain how to consider buildings and the spaces between them and reads as follows:

“Plans, policies and decisions can effectively manage physical form at a variety of scales. This is how planning can help achieve good design and connected objectives. Where appropriate the following should be considered:

- **layout – the way in which buildings and spaces relate to each other**
- **form – the shape of buildings**
- **scale – the size of buildings**
- **detailing – the important smaller elements of buildings and spaces.”²⁰**

Local Planning Policy

5.30 Planning applications within Welwyn Garden City are currently considered against the policy and guidance set out within the Welwyn Hatfield District Plan adopted April 2005 of which a number of policies were saved in April 2008.

5.31 Relevant saved Development Plan Policy R24 – Character Appraisals and Enhancements reads as follows:

“The Council will produce a character appraisal for each of the district's Conservation Areas, to guide the design of development or alterations to existing buildings and identify the need for Conservation Area enhancement schemes. Based on these, subject to the availability of resources, the Council will draw up and implement a programme of works for the maintenance and enhancement of their historic and architectural character.

Where a character appraisal identifies that the carrying out of permitted development in a Conservation Area could cause serious harm to the character of the area, the Council will make

¹⁹ PPG, paragraph 02 (ID: 26-002-20140306 revision date 06.03.2014)

²⁰ PPG, Paragraph 23 (ID: 26/023/20140306 revision date 06.03.2014)

a direction under Article 4 of the Town and Country Planning General Permitted Development Order, requiring planning permission to be obtained for such development.”

- 5.32 Saved policy D1 relates to quality of design and reads as follows:

“The Council will require the standard of design in all new development to be of a high quality. The design of new development should incorporate the design principles and policies in the Plan and the guidance contained in the Supplementary Design Guidance.”

- 5.33 Saved policy D2 placed emphasis on character and context and reads as follows:

“The Council will require all new development to respect and relate to the character and context of the area in which it is proposed. Development proposals should as a minimum maintain, and where possible, should enhance or improve the character of the existing area.”

Local Plan Policies with regards to the NPPF and the 1990 Act.

- 5.34 With regard to Local Plan policies, paragraph 213 of NPPF states that:

“existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

- 5.35 In this context, where local plan policy was adopted well before the NPPF, and does not allow for the weighing of harm against public benefit for designated heritage assets (as set out within paragraph 196 of the NPPF) or a balanced judgement with regards to harm to non-designated heritage assets (see NPPF paragraph 197) then local planning policies would be considered to be overly restrictive compared to the NPPF, thus limiting the weight they may be given in the decision-making process.

- 5.36 In this case, the Local Plan including its saved policies was adopted prior to the inception of the NPPF, and as so the weight which can be attributed it will be determined by its consistency with the policy guidance set out within the NPPF. Since the Local Plan policies do not allow for a balanced judgement to be undertaken by the decision maker, the Local Plan policies are considered to not reflect the guidance within the NPPF and therefore considered to be out of date. Thus, the weight which can be attached to them in the decision-making process for sites in the Conservation Area is limited.

Emerging Policy

- 5.37 The Welwyn Hatfield Borough Council Draft Local Plan Proposed Submission August 2016 was examined in public between September 2017 and November 2018.
- 5.38 The first relevant emerging policy is Policy SP11 which relates to the protection and enhancement of the critical environmental assets, and reads as follows:

“The protection, enhancement and management of the environmental, ecological and historic assets within the borough, will be sought commensurate with their status, significance and international, national and/or local importance. The best and most versatile agricultural land that has the greatest potential for local food security will be protected. Proposals affecting the water environment should protect and enhance the ecological status of water bodies and maintain its flood management function. The borough’s flood plains will be protected by avoiding development in Flood Zones 2 and 3 in accordance with national policy and guidance. Development that would secure positive improvements to and ensure the long-term conservation of ecological and heritage assets for the enjoyment of future generations will be supported. Designation of ecological and heritage assets will be supported where it is deemed appropriate and necessary to safeguard them for the enjoyment of future generations. New areas of Urban Open Land created through development of the sites allocated within this Local Plan will be protected and maintained during the plan period.”

5.39 The second relevant emerging policy is Policy SADM 15 and related to heritage, and reads as follows:

“Proposals which affect designated heritage assets and the wider historic environment should consider the following:

- **The potential to sustain and enhance the heritage asset and historic environment in a manner appropriate to its function and significance.**

- **Successive small scale changes that lead to a cumulative loss or harm to the significance of the asset or historic environment should be avoided.**
- **Proposals should respect the character, appearance and setting of the asset and historic environment in terms of design, scale, materials and impact on key views.**
- **Architectural or historic features which are important to the character and appearance of the asset (including internal features) should be retained unaltered.**
- **The historic form and structural integrity of the asset are retained; and**
- **Appropriate recording of the fabric or features that are to be lost or compromised takes place and is deposited into the Historic Environment Record.**

A Heritage Statement, Heritage Impact Assessment and/or Archaeological Assessment will be required if the scale and nature of the proposal are likely to have an impact on the significance of all or part of the asset.

Permission for proposals that result in substantial harm to the significance of a designated heritage asset, including Conservation Areas, will be exceptional or wholly exceptional in accordance with national policy and guidance.

Proposals that result in less than substantial harm to the significance of a designated heritage asset will also be refused unless the need for, and benefits of, the development in that location significantly outweigh that harm and the desirability of preserving the asset, and all feasible solutions to avoid and mitigate that harm have been fully implemented.

Proposals that result in harm to the significance of other heritage assets will be resisted unless the need for, and benefits of, the development in that location clearly outweigh that harm, taking account of the asset's significance and importance, and all feasible solutions to avoid and mitigate that harm have been fully implemented.

- 5.40 The Local Planning Authority are in receipt of the Inspector's report and are in the process of formally adopting the new Local Plan and as such weight can be attached to the emerging policies.

6. The Historic Environment

Number 26 Stonehills (Debenhams)

- 6.1 Number 26 Stonehills (the Site) is a late 1950s department store, formerly the Co-Operative and now the Debenhams department store. The building is identified in the text of the Conservation Area Appraisal as being a 'Key Unlisted Building' in the Conservation Area²¹ (i.e. a Non-Designated Heritage Asset in NPPF terms). However, the appended map to the Conservation Area Appraisal does not highlight the Site as a Key Unlisted Building. The boundary of the Conservation Area and key unlisted buildings is shown at appendix 1.

APPENDIX 1: CONSERVATION AREA BOUNDARY AND KEY UNLISTED BUILDINGS.²²

- 6.2 The building occupies a corner site on the junction of Stonehills and Stonebank and is designed with a canted corner (Plate 9) that acknowledges its corner location. It is built in the neo-Georgian style, favoured by the architect, de Soissons, and with the favoured materials of red brick and clay Roman tiles to the roof. The brickwork is laid in Flemish bond to the front elevations. The elevations that are visible include the north, west and east elevations and are described here.



Plate 9: The north and east elevations of 26 Stonehills.

- 6.3 The ground floor of the east and north elevations is occupied by timber shopfronts with large plate glass windows. The stallriser is granite and the fascia is finished by a modillioned cornice. The principal shop entrance is in the canted corner. The shopfront awning as seen in Plate 8 no longer exists.

²¹ Welwyn Garden City Conservation Area Appraisal, page 46.

²² Source: Welwyn Garden City Conservation Area Appraisal



Plate 10: The north elevation of 26 Stonehills with Anniversary Gardens in the foreground.

- 6.4 At the far-right end of the north elevation is what appears to be the original staff entrance door (Plate 11) surrounded by a heavy rusticated painted render or stone door case with a deep entablature and deep cornice. The entablature is decorated with two five pointed stars.
- 6.5 A second staff entrance is located at the far-left end of the east elevation, this however does not appear to be original.
- 6.6 The ground floor of the west elevation (Plate 12) is occupied by four arch topped shop windows. These are likely to have been display windows originally but have since been filled in. To the far left of this elevation is a round window, now infilled, that



Plate 11: The door on the north elevation.

lit the stair lobby.

- 6.7 The first and second floors are made up of twelve pane steel framed single glazed windows. The first-floor windows are larger than the second-floor windows and all are evenly spaced and aligned with each other across the elevation in typical neo-Georgian style. All windows are barrel hinged and pivot on the horizontal. The west elevation has further round windows that light what is presumed to be the original staff staircase.
- 6.8 The roof is set behind a parapet with hidden gutter and downpipes. The roof is a hipped roof and covered with clay single Roman tiles.



Plate 12: The west elevation of 26 Stonehills.

Welwyn Garden City Conservation Area

- 6.9 The Site is within the planned commercial area of the Welwyn Garden City Conservation Area. The Conservation Area was first designated in October 1968 and the boundary was later revised and designated again September 2007.
- 6.10 The Conservation Area is recognised internationally for its contribution to the emerging profession of town planning and especially the Garden City Movement in the early 20th century. Architecturally, the adoption of the neo-Georgian style, for which all proposals had to be approved by the founding architect and planner, de Soissons, ensures that the Conservation Area has a distinct and harmonious character and appearance.

- 6.11 Number 26 Stonehills, despite being one of the later buildings in the commercial centre, adopted the predominant style and thereby contributes to the overall character and appearance of the Conservation Areas as a whole.
- 6.12 The adoption of the canted corner and hipped roof appear to be carefully chosen design elements and while number 13 Stonehills (Natwest Bank), number 21 Stonehills (Nationwide Building Society) and number 26 Stonehills (Debenhams) are not identical in design, they all adopted the canted entrance corner and hipped roof.
- 6.13 Anniversary Gardens provides a pleasant green space to the north of the Site and is considered to be a Major Public Space in the Conservation Area Appraisal. Originally the Gardens was a site that was intended to be developed, the Conservation Area Appraisal acknowledges that this is the reason why the Gardens lacks the sense of civic enclosure that would normally be expected and seen in other parts of the town centre.
- 6.14 Nonetheless the Gardens provide an opportunity for the north elevation of the Site to be viewed from Osbourn Way and Bridge Road, across Sir Theodore's Way. The openness of Anniversary Gardens also allows for intervisibility between the Site and the John Lewis department store (the former Welwyn Stores), which is a Key Unlisted Building in the Conservation Area.
- 6.15 Section 6.2 of the Conservation Area Appraisal identifies the key views within the Conservation Area. Key view number 8 focuses on the northward view from Fretherne Road towards the original

Cherry Tree public house (now Waitrose). The Site forms part of the western facade along Stonehills, which help to funnel and focus this view on the former public house. Key views in the Conservation Area are shown in appendix 2.

APPENDIX 2: KEY VIEWS AND VISTAS IN THE CONSERVATION AREA²³



Plate 13: Key view 8 looking northwards along from Fretherne Road along Stonehills to former Cherry Tree public house. The Site is on the left hand side.

Statement of Significance

- 6.16 It is widely accepted (paragraph 201 of the NPPF) that not all parts of a heritage asset will necessarily be of equal significance. In some cases, certain elements of a heritage asset can accommodate substantial changes whilst preserving the significance of any asset which may potentially be affected by development proposals. Significance can be derived from many elements, including the historic fabric of a building, the layout of space or land use associated with a building or an area.
- 6.17 The Site, number 26 Stonehills, is not a building of outstanding architectural interest, it is a typical neo-Georgian building of the 1950s. Its significance thereby resides in its contribution to the town as part of a planned garden city and as part of creating a harmonious whole to the appearance of the commercial centre of the town, primarily through its facade.
- 6.18 The heritage significance of the Site is principally embodied in its historical value as being part of the commercial zone of the planned garden city and its association with the with the original architect and planner of the garden city, de Soissons, who approved the design of each building at the time of its construction. Shops, especially department stores, often have a significance for the local population and as such the Site will also have some communal value.

²³ Source: Welwyn Garden City Conservation Area Appraisal

- 6.19 The setting of the Site also contributes to the significance of the asset, although the significance derived from the setting is less than that from its historic fabric.
- 6.20 The principal elements of the physical surrounds and experience of the asset (its 'setting') which are considered to contribute to its heritage significance comprise Anniversary Gardens and the surrounding buildings on the junction, namely the buildings along east side of Stonehills (known as Stonehills House and including the Nationwide Building Society) and number 13 Stonehills (Natwest Bank). This grouping of buildings and open space create a distinct space in the Conservation Area and help to emphasise the planned form of the town.
- 6.21 It is clear that the significance and special interest of the Conservation Area lies in its aesthetic value of its planned harmonious form, its historical value with its association with the Sir Ebenezer Howard, Louis de Soissons and the Garden City Movement. Due to both its aesthetic and historical value the Conservation Area will also have a degree of communal value for both the local community and wider national and international communities with an interest in architecture and town planning.

7. Assessment of Harm or Benefits

- 7.1 This Section addresses the heritage planning issues that warrant consideration in the determination of the application for Planning Permission in line with the proposals set out in Section 3 of this report.
- 7.2 The Planning and Compulsory Purchase Act (2004) requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policy guidance set out within the NPPF is considered to be a material consideration which attracts significant weight in the decision-making process.
- 7.3 The statutory requirement set out within the Planning (Listed Buildings and Conservation Areas) Act 1990, at 72(1) confirms that considerable weight should be given to the protection of the character and appearance of a Conservation Area. In addition, the NPPF states that the impact of development proposals should be considered against the particular significance of heritage assets such as Conservation Areas, and therefore this needs to be the primary consideration when determining the proposed application. It is also important to consider where the proposals cause harm. If they do, then one must consider whether any such harm represents 'substantial harm' or 'less than substantial harm' to the Conservation Area in the context of paragraphs 195 and 196 of the NPPF.
- 7.4 The guidance set out within the PPG states that substantial harm is a high test, and that it may not arise in many cases. Whilst the proposals see the renovation of the property, including some alterations to historic fabric, the PPG makes it clear that it is the degree of harm to the significance of the asset rather than the scale of development which is to be assessed. In addition, it has been clarified in both a High Court Judgement of 2013²⁴ that substantial harm would be harm that would "*have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced*".
- 7.5 Given that the Site is located within the Welwyn Garden City Conservation Area, the proposals have the potential impact upon the character and appearance of the Conservation Area.
- 7.6 This Section will take each element of the development proposals in turn and consider if they would affect the significance of Conservation Area.
- 7.7 When considering potential impacts of the proposed development on the character and appearance of the Conservation Area, it is important to recognise that the Conservation Area covers a large area and includes a wide

²⁴ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council

variety of areas of differing characters. The Site itself represents an extremely small portion of the total area covered by the Conservation Area and, as noted at paragraph 201, it is necessary to consider the relevant significance of the element which has the potential to be affected and its contribution to the significance of the designation, i.e. would the application proposals undermine the significance of the Conservation Area as a whole?

- 7.8 The proposed works to convert the building are largely internal and as such will have no impact on the character and appearance of the Conservation Area. Alterations to the rear elevations (west and south elevations) are well hidden from any vantage point and as such will also have no impact on the character and appearance of the Conservation Area.
- 7.9 The increase in the height and pitch of the roof, the insertion of dormer windows, the removal of a single hipped end to the roof and its change to a gable end, are all alterations to the building that shall be visible in the Conservation Area and are considered in detail below.
- 7.10 The steeply hipped roof is an architectural design feature of the Conservation Area and while the proposals will result in a change to the height of the roof, the predominant feature of the steep pitch with single Roman tiles will remain a prominent feature.
- 7.11 Dormer windows are also a feature of the Conservation Area (Plate 14), with the majority of buildings along Stonehills having dormers in the hipped roofs. A number of these dormers are

recent additions to the buildings and the street scape. The dormers opposite the Site at Stonehills House are recent additions, having Planning Permission granted in 2016 (planning application reference 6/2016/0818/MAJ).



Plate 14: Dormers at Stonehills and at Wigmores North.

- 7.12 While the dormer windows at Stonehills House appear in harmony with the character and appearance of the conservation area, their addition and change in pitch and height to the roof has upset the balance and symmetry between the Site building and Stonehills House (Plate 15). The original balance and symmetry can be viewed in images from May 2017 available on Google Streetview (not reproduced here).



Plate 15: The loss of symmetry between the Site and Stonehills House following the granting of Planning Permission or the roof alterations and dormers at Stonehills Houses in 2016.

- 7.13 The proposed roof alteration and dormers thereby shall reinstate the balance and symmetry between the buildings.
- 7.14 Whilst there are few opportunities to view the roofscape of the Conservation Area the proposed roof alterations will not appear out of context in the wider roofscape, which is an array of tiled hipped roofs with and without dormer windows.
- 7.15 The loss of a single roof hip on the Stonehills elevation and its replacement with a gable is an alteration that is less consistent with the general hipped roof form, however there are examples of gables in this part of the Conservation Area (Plate 16).
- 7.16 The proposed alterations thereby will not harm the character and appearance of the Site building or the wider Conservation Area and shall reinstate some of the symmetry and balance to the streetscape that has been lost in more recent years.

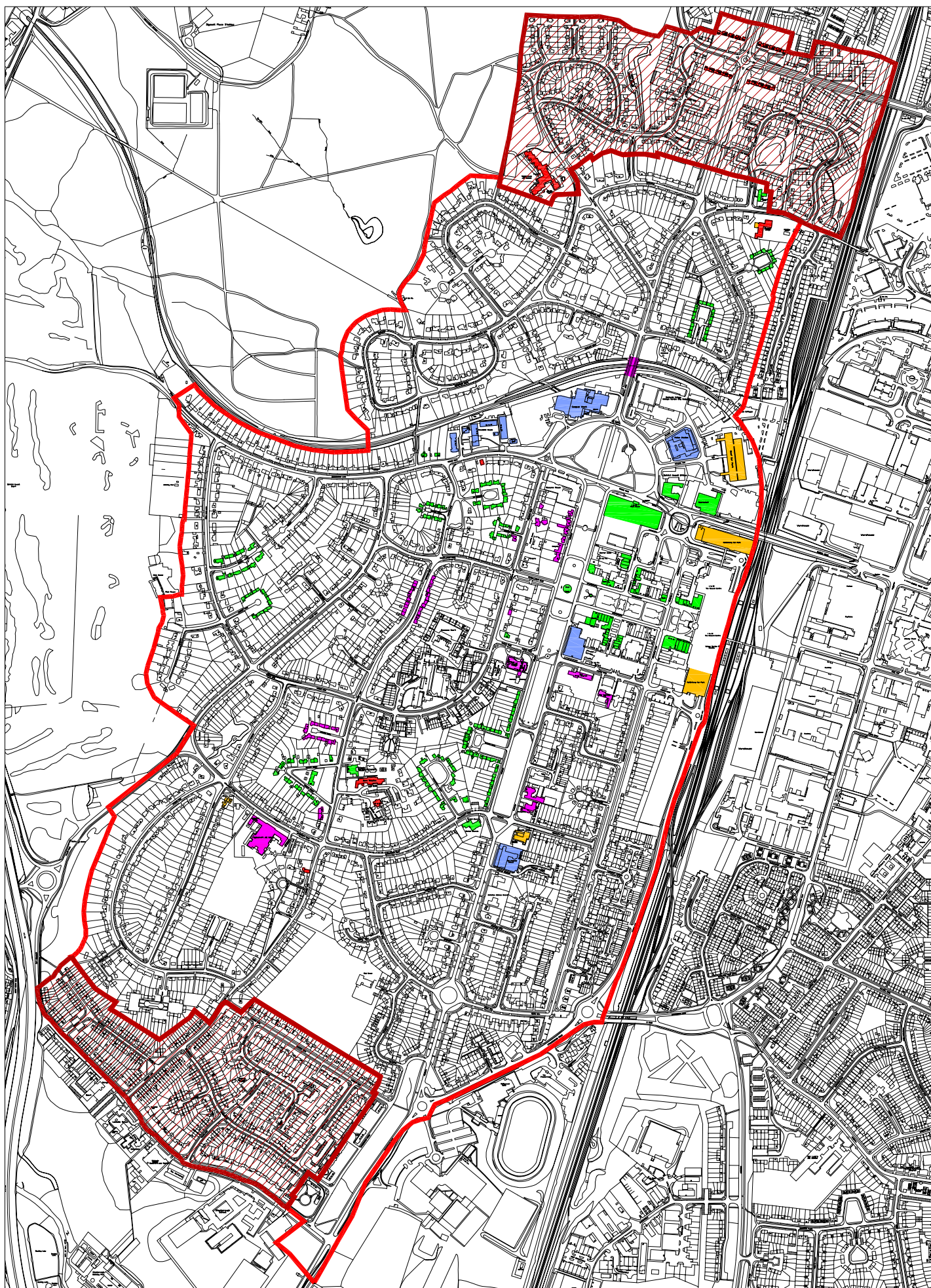


Plate 16: Roofscape of the Conservation Area. Top image: Arrow denotes Site location. Bottom image: close up the use of gables instead of hips in the vicinity of the Site.

8. Conclusions

- 8.1 This application for Planning Permission for the conversion of the first and second floors and the creation of a third floor at 26 Stonehills has considered the historic environment in detail and its impact on the significance of the building and the Conservation Area in which it is located.
- 8.2 While the proposals will see an alteration to the roof, primarily through the insertion of dormer windows, these have been designed to preserve the character of the area and will further enhance the significance of the Conservation Area through the restoration of balance and symmetry in the street scene, especially when seen with Stonehills House opposite.
- 8.3 The proposed alterations will not harm the significance of the building or the character and appearance of the Conservation Area.
- 8.4 The proposed residential use is a use that is consistent with the conservation of the building and the Conservation Area. This is demonstrated by the lack of harm to both the building and the Conservation Area.
- 8.5 The proposals are thus in accordance with the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, which have been given considerable weight, and the policy requirements of both the saved Local Plan policies, emerging Local Plan policies as well as guidance contained in Section 16 of the NPPF.

Appendix 1: Conservation Area boundary and key unlisted buildings.

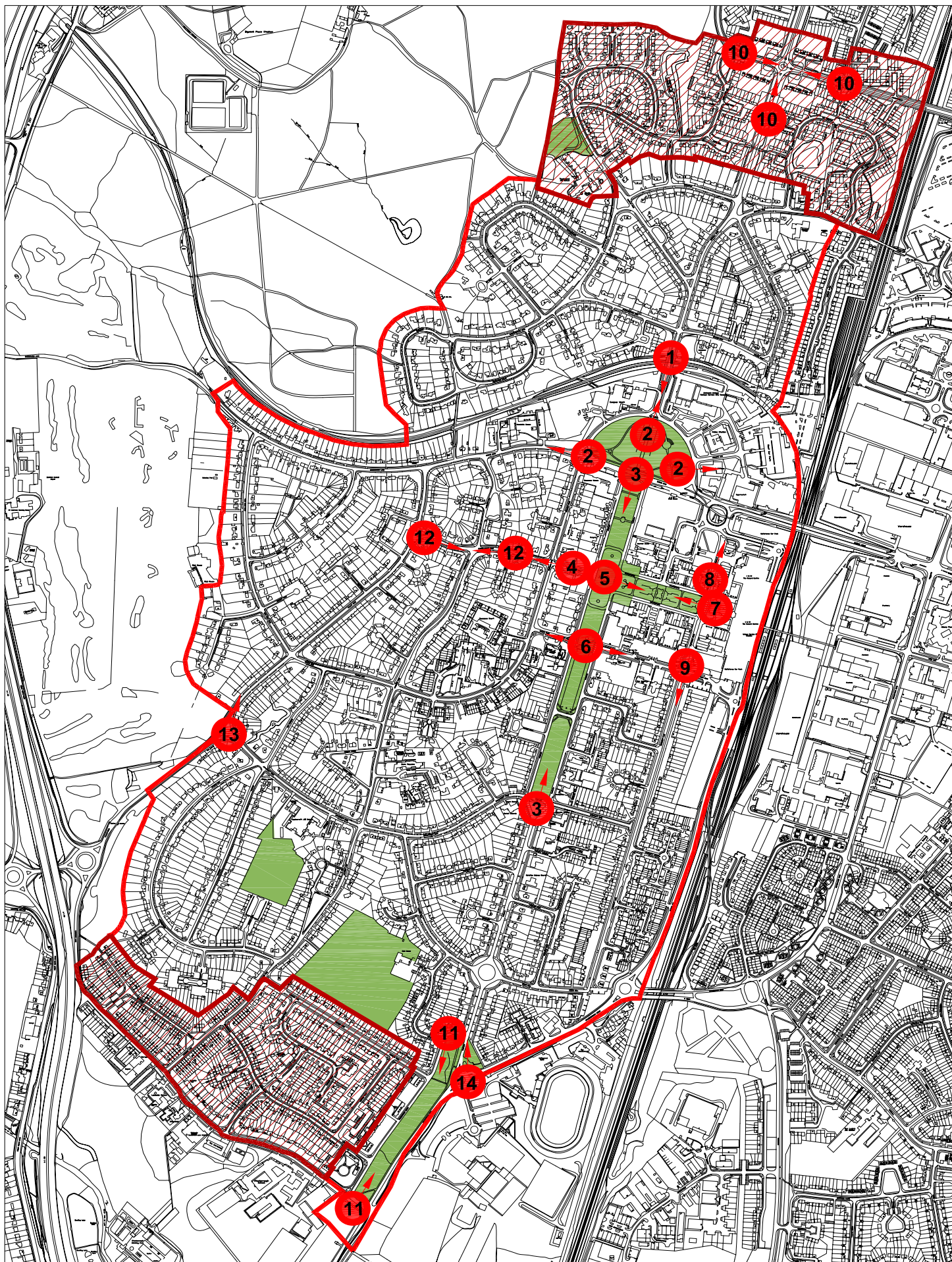


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DATE: Welwyn Garden City
 DRAWING TITLE: Conservation Area Analysis Map
 SCALE: N/A
 DATE: 02/07
 DRAWN BY: EC



Appendix 2: Key views and vistas in the Conservation Area.



ORIGINAL CA BOUNDARY

KEY AREAS OF URBAN OPEN LAND

EXTENSIONS TO CA

1 → VIEWS & VISTAS



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Drawing Title
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