

CHAPTER 11 - HERITAGE

HE1: DEMOLITION OF LISTED BUILDINGS

The Objections

| | |
|---------|---|
| 0356/6 | <i>Hearing Dogs for Deaf People</i> |
| 0872/5 | <i>Government Office for the South East</i> |
| 1218/3 | <i>R J Newell</i> |
| 1260/11 | <i>The Marlow Society</i> |

Summary of Objections

- (a) Policy would prevent demolition that may be necessary in the best interest of a listed building. Refurbishment may require partial demolition.
- (b) Policy relates to listed buildings. Inclusion of such a policy is contrary to PPG15.
- (c) Policy exercises no control over the owner who deliberately allows or encourages the property to fall into disrepair.

Inspector's Reasoning and Conclusions

11.1.1 A number of Chapter 11 objections (0872/5-7 and 9) by GOSE relate to the allegedly inappropriate inclusion of Policies which refer to either listed building or conservation area consents. These objections appear to be based on a misinterpretation of PPG15 advice. Since the LPA have proposed changes to the Local Plan on the basis of these objections it is necessary to look at the relevant advice very carefully. The most directly applicable official guidance is set out in paragraph 2.4 of PPG15 (1994) which is worth quoting in full (the LPA evidence only quotes part of the first sentence of the paragraph):

2.4 The Courts have accepted that section 54A [TCPA 1990] does not apply to decisions on applications for listed building consent or conservation area consent, since in those cases there is no statutory requirement to have regard to the provisions of the development plan. However, [LPAs] should ensure that aspects of conservation policy that are relevant, directly or indirectly, to development control decisions are included – for instance, policies for alterations or extensions to listed buildings that also constitute development (to which section 54A will directly apply). In view of the statutory requirements [viz s66(1) and s72(1) LBCA1990] that [LPAs] should have special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest which it possesses and should pay special attention to the desirability of preserving or enhancing the character or appearance of any conservation area in exercising their development control functions, plans *should also include policies for works of demolition or alteration which, while not themselves constituting development, could affect a decision on a related application for planning permission.* [Inspector's emphasis].

11.1.2 Accordingly, the only obviously objectionable wording in Policy HE1 (and also HE2-4) is the inclusion of the phrase 'listed building consent'. GOSE suggest that these Policies should be entirely deleted and the LPA appears partly to accede to this suggestion. This is not right since it directly conflicts with PPG15 advice. Because of the requirements of section 54A of the 1990 Act, it is important that development plans include all the policy criteria that will apply in making directly relevant planning decisions. This includes local plan policies appropriate to cases where development and conservation area issues may well be linked, such as:

- (a) demolition (whether of listed buildings or of buildings within conservation areas);
- (b) extension or alteration (of listed buildings);
- (c) change of use (of listed buildings); and
- (d) development affecting the setting of listed buildings.

11.1.3 The confusion that apparently surrounds the GOSE objections is not uncommon. The connection between the listed building and planning control regimes is complicated. Firstly, the relevant applications for consents under the parallel statutes may be made separately and may be determined separately (although it is fair to comment that this practice is not generally to be encouraged). However, the LPA may well wish to have regard to the listed building merits or implications in determining, for example, a planning application for development solely or ostensibly involving a change of use. Listed building consent is not required for this since such consent may only authorise 'works' and not 'development'. By the same token, the LPA may wish to withhold planning permission for development (otherwise in substantial or indeed in complete conformity with the Local Plan) which would call for the demolition or alteration of a listed building or would adversely affect its setting. For all these reasons, the LPA may wish to rely on explicit Chapter 11 Policies to explain (or later to justify) a development control decision.

11.1.4 PIC 11/2 is accordingly not wholly endorsed. However, neither is a reversion to the original Policy HE1 wording recommended. This dwells unduly on the condition and the possible repair of listed buildings. It implies that the site of a listed building that has been neglected, for whatever reason, may enjoy a better prospect of obtaining planning permission following its demolition. This aspect of the Policy is the subject of a valid objection and also runs counter to the advice of PPG15. Considerations of poor physical condition, the possibility of repair and of so-called 'enabling development' are more germane to a listed building consent application for demolition, alteration or extension. It is hard to conceive of demolition being in the best interests of the public unless there are consequential benefits. The Courts have held that partial, rather than outright, demolition should be treated as *alteration* to a listed building and hence will be dealt with under Policy H3. Refurbishment, possibly associated with an acceptable change of use, may indeed require a degree of alteration but, by definition, it cannot justify outright demolition

RECOMMENDATIONS

- HE01/1 Modify paragraph 11.17 (third and fourth sentences) to read:
'Such consent may also be required to demolish buildings within the curtilage of a listed building. These may often significantly relate to the physical context , history or setting of the principal building'.
- HE01/2 Modify paragraph 11.18 (first sentence) to read:
'In assessing development proposals, necessarily involving the demolition of any listed building, the District Council will consider the possible continuation of its present use or function and its sensitive adaptation for its original, previous or other use'. (remainder of paragraph as proposed by PIC 11/2).
- HE01/3 Modify Policy HE1 to read:
POLICY HE1
(1) DEVELOPMENT REQUIRING THE DEMOLITION OF A LISTED BUILDING OR ANY BUILDING LISTED BY VIRTUE OF BEING WITHIN ITS CURTILAGE, WILL ONLY BE PERMITTED IF, WHERE RELEVANT, THE FOLLOWING CRITERIA ARE MET:

- (a) IT IS NOT POSSIBLE TO CONTINUE TO USE THE LISTED BUILDING FOR ITS EXISTING, PREVIOUS OR ORIGINAL PURPOSE OR FUNCTION, AND;
 - (b) EVERY EFFORT HAS BEEN MADE TO CONTINUE THE PRESENT USE OR TO FIND ANOTHER USE, WITH OR WITHOUT PHYSICAL ALTERATION, OR;
 - (c) THE HISTORIC CHARACTER OR APPEARANCE OF THE MAIN BUILDING WOULD BE RESTORED OR IMPROVED BY THE DEMOLITION OF CURTILAGE BUILDING(S), OR;
 - (d) SUBSTANTIAL BENEFITS TO THE COMMUNITY WOULD DERIVE FROM THE NATURE, FORM AND FUNCTION OF THE PROPOSED DEVELOPMENT, AND (IN ALL CASES);
 - (e) DEMOLITION WOULD NOT RESULT IN THE CREATION OF A PERMANENTLY CLEARED SITE TO THE DETRIMENT OF ADJACENT LISTED BUILDINGS
- (2) IF PERMISSION IS GRANTED IN CONFORMITY WITH ANY OF THE ABOVE CRITERIA, IT WILL BE MADE SUBJECT TO A CONDITION, AGREEMENT OR UNDERTAKING THAT ANY NECESSARY DEMOLITION IS NOT TO BE CARRIED OUT UNTIL ALL THE RELEVANT DETAILS OF THE SUCCESSOR DEVELOPMENT HAVE BEEN APPROVED AND A CONTRACT HAS BEEN ENTERED INTO FOR ITS SUBSEQUENT EXECUTION.

HE2: EXTENSIONS TO LISTED BUILDINGS

HE3: ALTERATIONS TO LISTED BUILDINGS

The Objections

| | |
|---------|--|
| 0872/6 | <i>Government Office for the South East</i> |
| 1293/3 | Naphill & Walter's Ash Residents Association |
| 0356/5 | <i>Hearing Dogs for Deaf People</i> |
| 0872/7 | <i>Government Office for the South East</i> |
| 1218/2 | <i>R J Newell</i> |
| 1584/21 | The Marlow Group |

PIC 11/4 Objections

| | |
|---------|---|
| 1739/10 | Lord Carrington's Grandchildren's Settlement |
| 2063/16 | Wycombe Summit Limited and Wycombe Option Limited |

Summary of Objections

- (a) Policy relates to listed buildings. Inclusion of such a policy in development plans is contrary to PPG15.
- (b) Policy should preclude use of prefabricated flint panels on walls.
- (c) Policy requires better definition as to what is deemed acceptable.
- (d) Policy is imprecise. Suggest replacing 'harm' with 'affect' or 'change'.

- (e) Proposed PIC does not allow for much flexibility in bringing listed buildings back into beneficial use. Supporting text is unduly restrictive, by preventing appropriate uses coming forward.

Inspector's Reasoning and Conclusions

11.2.1 The inclusion of a Policy directed at the extension or alteration of listed buildings is fully appropriate for the reasons already given. It is both convenient and logical to consider objections to Policies HE2 and HE3 together. One reason is that these two aspects of planning and listed building control are dealt with together in PPG15. Another is that these two aspects of 'works' to listed buildings may often raise very similar and related planning considerations. Although 'development' is commonly of impact only upon the external appearance of a listed building, this is not invariably the case (as is indeed recognised by paragraph 11.23 of the supporting text (modified according to PIC 11/2)). Examples are the subdivision or the amalgamation of dwellings or the creation of a separate planning unit or units by the subdivision of the curtilage of a listed building. For that reason, Policies HE2 and HE5 ought to reflect the fact that planning permissions may have an adverse impact upon the historic interiors or upon the curtilage or immediate settings of listed buildings.

11.2.2 The objection that refers to the 'harm' to a listed building, arising from alterations or extensions, has a degree of force. The use of this word in Policy HE3 is inappropriate since an absence of harm is not a sufficient test of acceptability in the specific case of listed building control (see PPG15 at paragraph 3.3). It follows that if development proposals are unlikely to obtain subsequent (or concurrent) listed building consent, the LPA is fully entitled to take this factor into account in their determination. The PPG1 test of 'demonstrable harm' might be inappropriate in such cases. Policy HE2, in its deposited version, is inadequately precise as to what might be held to be satisfactory development. Accordingly, it should be made clear that development involving alteration or extension should serve to preserve, restore or complement the character or appearance of listed buildings or their immediate or wider settings. Details of access, siting, design or external appearance may need to be submitted with such planning applications. The specification or proscription of certain facing materials is out of place in such policy formulation since these matters may better be set out in supplementary planning guidance (SPG) or in area appraisals.

11.2.3 The alternative Policy HE3 formulations (ie the deposit version or that proposed by PIC 11/5) would not seem unduly restrictive. The relevant advice of PPG15 (eg at paragraph 3.10) is that development plan policies and standards may be flexibly interpreted and applied in the case of changes of use of listed buildings and consequential works of alteration. This means that certain uses or operational development that would normally be refused planning permission because of the site's location (eg in the Buckinghamshire countryside or in the Chilterns AONB) might, in certain circumstances, obtain such permission. In this sense, a change of use may often itself constitute 'enabling development' (ie development which allows a listed building's appearance to be either restored, improved or maintained) for which relaxation of the current Building Regulations may also be required. The corollary of this is that any impact on the character and appearance of the building must be assessed in line with the criteria set out in PPG15 paragraph 3.5(i-iv). In other words, flexibility in applying other policies for development control must be balanced with due regard to the likelihood or propriety of any applicable listed building consents being granted. For that reason, there is no obvious case for added flexibility in the application of Policies HE1-HE6 of the Local Plan.

11.2.4 The question of access for disabled people is covered in paragraph 3.28 of PPG15. The effect of PIC 11/4 would be to insert another paragraph (11.24a) in the supporting text to Policy HE3 which would urge such provision and refer to Policy G9A. The relevant PPG15 advice is that it is important that disabled people have dignified access into and within listed buildings. Such access can usually be contrived in or around historic buildings by careful design and by the provision of ramped access, lifts and similar devices. It has to be recognised

that this is not especially easy in many old buildings that were constructed, for the most part, before the pressing needs of minority groups were fully appreciated or accommodated. Such adaptation will be rather more easily achieved where substantial alterations or extensions are proposed. It is probably not appropriate to incorporate an explicit requirement for disabled access into Chapter 11 policies but to make suitable cross-reference to the directly relevant Chapter 2 policy. Accordingly, PICs 11/3 and 11/4 are endorsed.

RECOMMENDATIONS

- HE02/1 Modify the Plan as proposed by PICs 11/3 and 11/4.
- HE02/2 Modify Policy HE3 to read:

POLICY HE3

DEVELOPMENT REQUIRING THE INCIDENTAL ALTERATION OR EXTENSION OF ANY LISTED BUILDING (OR BUILDINGS) WILL NOT BE PERMITTED UNLESS, WHERE RELEVANT, MEANS OF ACCESS TO AND THE SITING, DESIGN AND EXTERNAL APPEARANCE OF THE PROPOSED DEVELOPMENT WOULD RESPECT THE LISTED BUILDING'S CHARACTER AND APPEARANCE AND WOULD ALSO SERVE TO PRESERVE, RESTORE OR COMPLEMENT ITS FEATURES OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST AND, WHERE APPLICABLE, TO CONTRIBUTE TO THE CHARACTER OR APPEARANCE OF ANY GROUP OF LISTED BUILDINGS OR CONSERVATION AREA OF WHICH IT FORMS PART OR WITHIN WHICH IT IS LOCATED.

- HE02/3 Delete Policy HE2.

HE4: USE OF MATERIALS

The Objections

0872/8 Government Office for the South East
1293/2 Naphill & Walter's Ash Residents Association

Summary of Objections

- (a) Policy relates to listed buildings. Inclusion of such a policy in development plans is contrary to PPG15.
- (b) Policy should preclude use of prefabricated flint panels on walls.

Inspector's Reasoning and Conclusions

11.4.1 Whereas Policies HE1 and 3 are appropriately included in the Local Plan since they cover works to listed buildings for which concurrent planning permission will usually be sought, Policy HE4 is concerned solely with the use of materials. This amount of detail will commonly be relevant to minor works of maintenance, improvement or repair (for which planning permission may well not be required) which are very adequately covered in Annex C to PPG15. Very little purpose is served in attempting to condense or to paraphrase this advice which may primarily be germane to listed building consent applications and only to a very few planning applications. Indeed, the inclusion of Policy HE4 may be positively undesirable in that applicants might be forgiven for concluding that the entire gamut of control on the use of materials is contained there, which it is not. Moreover, it may quite often be necessary to require the submission of details when relevant planning applications are made and they may

then be assessed against the requirements of both Policy HE3 and all the directly applicable advice of PPG15.

RECOMMENDATION

- HE04/1 Delete Policy HE4 and paragraphs 11.25 and 11.26.

HE5: DEVELOPMENT AFFECTING THE SETTINGS OF LISTED BUILDINGS

PIC 11/7 Objections

0571/37 Laing Homes Ltd

Summary of Objections

- (a) The setting of unlisted buildings of special architectural or historic interest also warrant policy protection. PIC should be deleted.

Inspector's Reasoning and Conclusions

11.5.1 The objection seeks to extend Policy HE5 protection to 'unlisted buildings of special (sic) architectural interest'. This category seemingly refers to locally listed buildings which are the subject of Policy HE7. Advice on the subject of 'locally important buildings' is set out in paragraph 6.16 of PPG15. This encourages LPAs to draw up such lists and to adopt development plan policies for their protection. However, the concept of protecting the settings of statutorily listed buildings is legally incorporated in section 66(1) (LBCA1990) which has already been referred to. Furthermore, section 67 (LBCA1990) lays down specific requirements for the advertisement of planning applications that might affect listed buildings' settings. The objection is accordingly not directly supported (a) because the use of the word 'special' only applies to statutory listing (b) because there is no need generally to advertise applications affecting locally listed (ie locally important) buildings and (c) adequate protection to the settings of the latter will be given by Policy HE7.

RECOMMENDATIONS

- HE05/1 No modification to Policy HE5.
- HE05/2 Modify Policy HE7 as proposed by PIC 11/25.

HE6: CHANGES OF USE OF LISTED BUILDINGS

The Objections

0356/11 *Hearing Dogs for Deaf People*

Summary of Objections

- (a) The word 'adversely' should be placed before 'structural integrity'.

Inspector's Reasoning and Conclusions

11.6.1 The sole objection to this Policy relates to specific property in Wycombe District but usefully illustrates the way in which Policy HE3 (as recommended for modification) might apply in future. Without wishing to comment on the merits of an individual application for listed building consent, it should be noted that the objection refers to 'partial demolition'. As already explained, this should now be regarded as an application for works of alteration. Policy HE3 would therefore apply. The insertion of the word 'adversely' as sought by the objectors, is already contained in the Policy. However, it may be that its wording might be phrased more positively. Policy HE3 would require development, involving alteration or extension, either to preserve the (present) character of a building or to restore its (previous) appearance or to extend it (in future) in a way which is complementary to its special character or appearance. Indeed, given sufficient architectural virtuosity, development might well achieve one or more of these objectives.

RECOMMENDATION

- HE06/1 Modify Policy HE6 to read:

POLICY HE6

DEVELOPMENT INVOLVING THE CHANGE OF USE OF A LISTED BUILDING MAY BE PERMITTED WHERE IT WOULD CONTRIBUTE TOWARDS THE RESTORATION, RETENTION OR FUTURE MAINTENANCE OF THE LISTED BUILDING WITHOUT SUCH DEVELOPMENT ADVERSELY AFFECTING THE SPECIAL ARCHITECTURAL OR HISTORIC INTEREST OF THE BUILDING OR ITS SPATIAL OR STRUCTURAL INTEGRITY AND, WHERE DEVELOPMENT INVOLVES WORKS OF EITHER ALTERATION OR EXTENSION (OR BOTH), THAT THESE CONFORM TO POLICY HE3 OF THE LOCAL PLAN.

HE7: LOCALLY-LISTED BUILDINGS OF ARCHITECTURAL OR HISTORIC INTEREST

The Objections

0224/2 John Howard Spanner
1260/19 The Marlow Society

Summary of Objections

- (a) Suggest listing of 'The White House' as it is a necessary flagship and landmark.
- (b) Local List should be updated as a matter of urgency and included as an Appendix to the Plan. Current list is very out of date.
- (c) 'Encourage' should be replaced with 'vigorously pursue' as present wording lacks conviction.

Inspector's Reasoning and Conclusions

11.7.1 It would be quite inappropriate to recommend the listing of any individual building in this report. The reasons are that, where statutory listing is concerned, this is the prerogative of the Secretary of State and, where local listing is concerned, this is entirely at the discretion of the LPA. In both cases, there is no impediment to members of the public making such requests to the relevant quarter. It is evident that local listing of buildings is incomplete in Wycombe District and that some aspects of listing may be out of date. The LPA will no doubt be pursuing this very useful aspect of topographical survey with urgency and seemingly intend to issue

supplementary planning guidance in due course. The usefulness of local listing and its relevance to both plan preparation and development control can be easily illustrated with reference to the present report. It will be seen that details of the Marlow local listing were referred to in the evidence of objectors to Policies M4 and M5. This evidence is of considerable cogency to a proper consideration of these objections and will no doubt influence any subsequent development control decisions.

11.7.2 The inclusion of locally listed buildings in the Plan (as an Appendix) might well be useful but cannot be positively supported for two reasons. One is the obvious fact that the district-wide list is incomplete. The other is that the ultimate list is likely to be lengthy (to judge by the number of such buildings in Marlow Town Centre) and it would needlessly add to the size and weight of the Written Statement. Details of locally listed buildings' positions would, even at the larger scale used for Inset Maps, unreasonably complicate the graphical presentation of policy boundaries, land allocations and planning commitments (which is the prime function of Proposals Maps). However, such detail of locally and statutorily listed buildings (ideally indicating their immediate settings) would be very highly desirable in the proposed Conservation Area Character Surveys

11.7.3 Since it is the LPA's evident intention to complete and keep updated the Local List of Buildings of Architectural or Historic Interest, there would seem to be good reason to refer to this List in Policy HE8 and to insert a cross-reference in Policy HE7. Both the Local List itself and an identification of the precise locations of buildings contained in it should be the subject of SPG. It would therefore be helpful to state this in the Policy so that developers (and the public) are fully aware of the relevance of such guidance in appropriate cases. If this were done, the actual choice of words (ie 'encourage' or 'vigorously pursue') would be less important. It is implicit in PPG15 (paragraphs 4.27 and 6.16) that locally listed buildings in conservation areas will enjoy a general presumption against demolition whereas elsewhere 'their contribution to the local scene or...local historical associations' will be very material planning considerations. All these matters should be referred to in the wording of Policy HE7 itself.

RECOMMENDATION

- HE07/1 Modify Policy HE7 to read:

POLICY HE7

THE EXISTENCE, CHARACTER AND CONTRIBUTION TO THE LOCAL SCENE OF BUILDINGS OF ARCHITECTURAL OR HISTORIC INTEREST WHICH HAVE BEEN RECOGNISED AS SUCH IN SUPPLEMENTARY PLANNING GUIDANCE, SUCH AS CONSERVATION AREA CHARACTER SURVEYS, WILL BE OF RELEVANCE TO THE APPLICATION OF POLICIES G4-G8.

HE8: DEVELOPMENT IN CONSERVATION AREAS AND CONSERVATION AREA CHARACTER SURVEYS

The Objections

| | |
|---------|---|
| 0828/1 | <i>Mcarthy & Stone (Developments) Limited</i> |
| 1036/5 | I & M Mebbourne |
| 1584/19 | The Marlow Group |

Summary of Objections

- (a) Policy wording will place undue restrictions on development in the District. Suggest replacing 'character and appearance' with 'character or appearance' in line with PPG15.
- (b) Principles of policy are ignored in practice.
- (c) Propose amendment to Conservation Area boundary to exclude a site at Finnings Farm, Lane End, in order to facilitate development.

Inspector's Reasoning and Conclusions

11.8.1 The wording of Policy HE8 need not have an unduly restrictive impact upon development or redevelopment in Wycombe District. The LPA have a legal obligation to pay special attention to the (previously acknowledged) desirability of preserving the character or appearance of all conservation areas. The use of the conjunction 'and' between 'character' and 'appearance' is inappropriate, not only because it diverges from both section 72 (LBCA1990) and PPG15 but because it sets too high a standard for conformity with Policy HE8. There may be situations where a difficult or finely-balanced choice has to be made between an area's *existing* character and its *future* appearance. Such choices may commonly occur, for example, where a proposed change of use may be alien to an area's present character but may fund or otherwise justify development that significantly enhances its future appearance.

11.8.2 The objection that alleges past non-compliance with the Policy (or presumably its erstwhile equivalents) cannot be commented on, in the absence of compelling evidence. It is however right to strengthen the Policy with reference to the LPA's evident and no doubt welcome intention to carry out the conservation area surveys referred to in the supporting text. As already reported in the context of Policies M4 and M5, the information and any authoritative value judgements and assessments contained in such surveys may be of the greatest use when planning applications are considered. For this reason, it would be helpful to indicate that the SPG containing area surveys will also indicate, in cartographical form, the extent and locations of both listed buildings and those referred to in Policy HE7. The alteration or extension of conservation areas in a Local Plan is inappropriate; such changes must be separately made by the LPA under section 69(2) of the LBCA1990. The use of the word 'New' in the sub-heading above paragraph 11.36 might be better omitted since it contributes nothing to the supporting text and is ambiguous in view of the specific legal meaning attached to the phrase '*new development*'.

RECOMMENDATIONS

- HE08/1 Modify the sub-heading before paragraph 11.36 to omit the word 'New'.
- HE08/2 Modify Policy HE8 to read:

POLICY HE8

WITHIN CONSERVATION AREAS, PLANNING PROPOSALS WILL BE ASSESSED IN RELATION TO THEIR EFFECTS ON THE CHARACTER OR APPEARANCE OF THE AREAS AND THE DEGREE TO WHICH THEY WOULD SERVE TO PRESERVE OR ENHANCE THEM, WITH REFERENCE TO DETAILED CHARACTER SURVEYS OF THESE AREAS WHERE ISSUED AS SUPPLEMENTARY PLANNING GUIDANCE. THESE SURVEYS WILL INDICATE THE POSITIONS OF LISTED BUILDINGS AND ALSO THOSE COVERED BY POLICY HE7. THE SURVEYS MAY BE REFERRED TO IN ANY OVERALL ASSESSMENT OF THE EFFECT OF FUTURE DEVELOPMENT AND THE DETERMINATION OF INDIVIDUAL APPLICATIONS FOR PLANNING PERMISSION EITHER IN RESPECT OF OPERATIONS OR CHANGES OF USE IN CONSERVATION AREAS

HE9: USE OF MATERIALS IN CONSERVATION AREAS

The Objections

1293/4 Naphill & Walter's Ash Residents Association
1584/27 The Marlow Group

Summary of Objections

- (a) Policy should preclude use of prefabricated flint panels on walls.
- (b) Emphasis should be placed on resultant colours and textures of external walls.

Inspector's Reasoning and Conclusions

11.9.1 As earlier stated, the prescription or prohibition of certain facing materials is too detailed for inclusion in a Local Plan. However, as is mentioned in the supporting text, the identification of traditional or locally vernacular facing materials will form part of the Conservation Area Character Studies. Such surveys may well, in addition to recording merely facing materials, record other characteristic features of the townscape or topography of conservation areas. These may include both roofing and paving materials as well as the means employed to demarcate, divide or protect the curtilages and immediate settings of historic buildings. Since these are likely to figure in such surveys and hence in SPG, it would be advisable to give them some Policy protection. Recent DTLR design guidance, as well as PPG1 (paragraph 32), stresses the importance of good overall design. This may well show itself in the use of unashamedly modern materials and of modern architectural idioms in historic areas. It is important that Policy HE9 fully recognises the suitability of innovative design solutions and modern materials in certain cases.

RECOMMENDATION

- HE09/1 Modify Policy HE9 to read:
POLICY HE9.

CONTROL WILL BE EXERCISED OVER THE METHOD OF USE OF LOCALLY AND HISTORICALLY CHARACTERISTIC MATERIALS IN DEVELOPMENT INVOLVING NEW OR EXTENDED BUILDINGS WITHIN CONSERVATION AREAS. SUCH CONTROL WILL TAKE INTO ACCOUNT THE AVAILABLE INFORMATION CONTAINED IN THE CHARACTER SURVEYS AND THE PREVALENCE OF TRADITIONAL AND OF OTHER FACING, ROOFING AND PAVING MATERIALS USED IN BUILDINGS AND OTHER MEANS OF ENCLOSURE AS WELL AS, IN APPROPRIATE CASES, THE IMPACT AND ACCEPTABILITY OF EITHER ATYPICAL MATERIALS OR INNOVATIVE FORMS OF BUILDING DESIGN.

HE10: DEMOLITION OF UNLISTED BUILDINGS IN CONSERVATION AREAS

The Objections

0351/1 John Laing Property
0872/9 Government Office for the South East

Summary of Objections

- (a) Policy is insufficiently flexible and should allow for demolition where the replacement buildings are of sufficient quality or where existing buildings do not make a positive contribution to the character and appearance of the Conservation Area.
- (b) Policy relates to Conservation Area Consent. Inclusion of such a policy in a Development Plan is contrary to PPG15.

Inspector's Reasoning and Conclusions

11.10.1 Where development, involving the demolition and replacement of either statutory or locally listed buildings is proposed, it is open to the LPA to make an informed value judgement of the comparative quality of the original and the successor buildings. The important distinction is that such a favourable decision (and hence permission to demolish and to redevelop) may only be made in very exceptional circumstances where statutorily listed buildings are concerned. In the case of locally listed buildings, it is perfectly proper to make a straightforward judgement as to the comparative merits of the existing building or buildings and what is intended to replace them. The only caveat is that the LPA may wish to impose a condition on the relevant planning permission (and conservation area consent) to ensure that there is a firm commitment to redevelopment in a specific form and within a defined timescale. A policy to secure this would seem perfectly proper in the Local Plan provided that it is quite clear that it only applies to applications for planning permission.

11.10.2 Since GOSE have referred to the advice of PPG15, it is as well to look at this advice as it might affect locally listed buildings. Again, the explicit advice is of such cogency as to be worth quoting in full:

'4.27 The general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area. The Secretary of State expects that proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings. In less clear-cut cases – for instance, where a building makes little or no such contribution – the [LPA] will need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given unless there are acceptable and detailed plans for any redevelopment. It has been held [ie by the Courts] that the decision-maker is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition of an unlisted building in a conservation area'.

11.10.3 Several inferences may be drawn from the above advice. The first is that any locally-listed building in a conservation area would be, almost by definition, one that 'makes a positive contribution to the character or appearance of (the) area'. Secondly, the PPG15 advice is to balance the present contribution of the existing building against the apparent design-worthiness of the successor building (or buildings) in making an informed decision. Thirdly, although it is not appropriate to specify, in a development plan, the circumstances in which conservation area consent (as such) will be granted, it is not only proper but indeed essential to embody the PPG15 advice in policy formulation where planning control is concerned. It is clearly very much better to have the relevant Policy HE8 SPG in place as soon as possible in order to alert developers and the public to the nature and presence of all or most locally-listed buildings. Policy HE10 is admittedly capable of operation, albeit on an ad hoc basis, without such guidance since individual assessments can still be made.

11.10.4 One objection (0351/1) generally supports the changes (PIC 11/9) proposed by the LPA but considers that additional flexibility is needed in Policy HE10 in order to accommodate exceptional situations that may justify demolition without evidence of any details of successor development. The objector's suggested wording should not be adopted. One reason is that the Policy must be concerned with the propriety of *planning permission* for

development which calls for incidental demolition and is not intended to relate to *conservation area consent* which, as GOSE rightly contends, is not an appropriate Local Plan policy matter. Secondly, the effect of PIC 11/9 requires there to be approved redevelopment proposals in place before any conservation area consent is granted (and such consent would then be tied to the implementation of that specific scheme). Both these formulations are inappropriate since they both lay down implicit policy parameters for *conservation area consent*. This is contrary to PPG15 advice. It would be best to adopt a Policy that simply requires the relevant development proposals to be an enhancement of the area's appearance and an assurance that any proposals (which might even be for the creation, layout and landscaping of an open space) will be implemented.

RECOMMENDATION

- HE10/1 Modify Policy HE10 to read:

POLICY HE10

DEVELOPMENT WITHIN CONSERVATION AREAS, REQUIRING OR INVOLVING DEMOLITION, MAY BE PERMITTED IF THE BUILDINGS IN QUESTION MAKE A NEGATIVE OR INSIGNIFICANT CONTRIBUTION TO THE CHARACTER OR APPEARANCE OF THE AREA OR IF THE DESIGN QUALITY OF THE PROPOSED REDEVELOPMENT IS CONSIDERED TO BE ENHANCEMENT. THERE SHOULD ALSO BE FIRM AND APPROPRIATELY DETAILED PROPOSALS FOR THE REDEVELOPMENT OF THE SITE THAT HAVE BEEN APPROVED AND THEIR IMPLEMENTATION ASSURED BY CONDITIONS OR AGREEMENTS. BUILDINGS IDENTIFIED AS OF LOCAL INTEREST WILL ENJOY A GENERAL PRESUMPTION AGAINST SUCH DEMOLITION.

HE11: ARTICLE 4 DIRECTIONS

The Objections

0872/10 Government Office for the South East

Summary of Objections

- (a) It is unclear how 'appropriate situations' will be defined for the purposes of this policy.

Inspector's Reasoning and Conclusions

11.11.1 PPG15 contains advice regarding the making of Article 4(2) Directions within conservation areas only. Paragraph 11.46 of the supporting text and Policy HE11, if altered as in PIC11/10, would appear to follow this advice as far as conservation areas are concerned. However, there may well be situations outside conservation areas where such Directions may need to be made. Just as conservation area designation does not in itself either require or solely justify the LPA's making such Directions, it is not axiomatic that buildings outside such areas do not merit such extra protection. This may be necessary or expedient in certain cases. The best way of extending the coverage of the Policy would be to expand it in order to indicate the 'appropriate situations', that are the subject of the conditionally withdrawn objection by GOSE. These situations should describe both the types of development that may need to be brought under planning control and the types of buildings or areas that may also and equally justify the withdrawing of specific permitted development rights.

RECOMMENDATIONS

- HE11/1 Modify paragraph 11.46 in accordance with PIC 11/10.
- HE11/2 Modify Policy HE11 to read:

POLICY HE11

(1) IN ORDER TO GIVE NECESSARY ADDITIONAL PROTECTION TO THE CHARACTER AND APPEARANCE OF CONSERVATION AND OTHER SENSITIVE AREAS AND OF INDIVIDUAL BUILDINGS OF CHARACTER, DIRECTIONS MAY BE MADE UNDER ARTICLE 4(2) OF THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 1995. TYPES OF GENERALLY PERMITTED DEVELOPMENT TO WHICH DIRECTIONS MAY APPLY WILL INCLUDE THE FOLLOWING:

- (a) PAINTING, CLADDING AND RENDERING OF THE FACADES OF BUILDINGS;
- (b) INSERTION OR REPLACEMENT OF DOORS AND WINDOWS;
- (c) REMOVAL OR ERECTION OF BOUNDARY WALLS AND FENCES;
- (d) ALTERATION OF ROOF PROFILES AND USE OF ROOFING MATERIALS;

(2) SUCH ADDED POWERS OF PLANNING CONTROL MAY IN FUTURE BE APPLIED TO THE FOLLOWING AREAS OR TYPES OF DEVELOPMENT:

- (a) DESIGNATED OR PROPOSED CONSERVATION AREAS;
- (b) BUILDINGS (OR GROUPS) LOCALLY-LISTED;
- (c) RECENT DEVELOPMENT OF INDIVIDUAL MERIT OR CHARACTER;
- (d) RESIDENTIAL AREAS AS DEFINED UNDER POLICIES H14-16;
- (e) DEVELOPMENT IN SENSITIVE LOCATIONS IN THE CHILTERN AONB;

(3) THE EXISTENCE OF SUCH DIRECTIONS WILL BE TAKEN INTO ACCOUNT IN THE AUTHORISATION OF DEVELOPMENT THAT MAY ITSELF BE MADE SUBJECT TO THE REMOVAL OF PERMITTED DEVELOPMENT RIGHTS, IN APPROPRIATE INDIVIDUAL CASES.

HE12: BURGAGE PLOTS AND HISTORIC PLOTS AND THEIR BOUNDARIES

The Objections

1260/15 The Marlow Society

Summary of Objections

- (a) List of burgage and other historic plots should be included in an Appendix to the Plan.

Inspector's Reasoning and Conclusions

11.12.1 The inclusion of details of historically interesting burgage plots in either the Local Plan's Appendices or Proposals Map is not appropriate. The reasons are similar to those that apply to statutory and locally-listed buildings. Appended lists would merely add undesirably to the bulk of the printed document and would be largely valueless in themselves without a precise definition of the areas involved. This definition would complicate the cartography of the Proposals Map. On the reasonable assumption, confirmed by inspection, that all burgage plots are located in conservation areas in Wycombe District, they should be cartographically defined in any future detailed character surveys. The LPA may wish to modify Policy HE12 in order to refer to this but no formal recommendation is made.

RECOMMENDATION

- HE12/1 No modification.

| |
|--|
| POLICY HE13: DEVELOPMENT ADJOINING CONSERVATION AREAS |
|--|

The Objections

0874/1 National Farmers Union

Summary of Objections

- (a) Policy should be deleted. Not aware of any Government guidance to support Policy.

Inspector's Reasoning and Conclusions

11.13.1 It is correct to say that there is indeed advice in PPG15 regarding development outside but close to conservation areas. Paragraph 4.14 of the PPG makes it clear that development which, for example, directly intrudes within 'views into or out of' conservation areas may justify the refusal of planning permission for such development. The nature of the objection itself suggests that certain vested interests may be unaware of the existence of this advice and hence its necessary and proper application to sections 72 and 73 of LBCA 1990. This suggests a detailed modification of Policy HE13. This modification should make it clear that the LPA may well wish to advertise planning applications which, despite being outside a conservation area, may need to be considered in relation to the effects of proposed development upon established views across and within it. These might well figure in future Conservation Area Character Studies. The use of the word 'adjoining' is probably unwise in the sense that implies actual contiguity, which may not necessarily be the case.

RECOMMENDATIONS

- HE13/1 Modify the sub-heading above paragraph 11.49 to read:

'Development Affecting Conservation Areas'

- HE13/2 Modify Policy HE13 to read:

POLICY HE13

DEVELOPMENT WILL NOT BE PERMITTED WHICH, ALTHOUGH NOT WHOLLY OR PARTLY LOCATED WITHIN A CONSERVATION AREA, MIGHT NEVERTHELESS HAVE A VISIBLY ADVERSE EFFECT UPON THE AREA'S SPECIAL CHARACTER OR APPEARANCE, INCLUDING INTRUSIVENESS WITH RESPECT TO ANY RECOGNISED OR RECORDED FAMILIAR VIEWS AFFECTING THE DESIGNATED AREA .

HE14: SHOP FRONT DESIGN IN CONSERVATION AREAS

The Objections

1260/12 The Marlow Society
1584/20 The Marlow Group

Summary of Objections

- (a) Enlarged upper floor windows are likely to be detrimental to the appearance of a building in a Conservation Area and should not be enlarged for any reason.
- (b) With regard to the harmonising of shop fronts and upper floors, the meaning of paragraph 11.54 is obscure.

Inspector's Reasoning and Conclusions

11.14.1 It is probably both unwise and unnecessary to proscribe the enlargement of any or most upper floor windows in conservation areas in Policy HE14. The reason is that the Policy relates only to shop front design. The patent wish of the objectors to resist any such enlargement is very well understood (see S8 in Chapter 5). However, upper floor windows in residential property may often not need explicit planning permission for their enlargement. Where appropriate, such additional control would probably be better and more reliably secured by an Article 4(2) Direction in accordance with Policy HE11(2)(a) (if modified as recommended). It is open to the objectors to ask the LPA to make such a Direction at any time. The original wording of Paragraph 11.54 was indeed somewhat obscure and ambiguous. The changes proposed by PIC 11/12 overcome this lack of clarity and the cross-reference inserted by PIC 11/11 is equally helpful; both are accordingly endorsed.

RECOMMENDATION

- HE14/1 Modify paragraphs 11.53 and 11.54 in accordance with PICs 11/11 and 11/12.

HE15: ADVERTISEMENTS AND SHOP SIGNS IN CONSERVATION AREAS

The Objections

1260/13 *The Marlow Society*

Summary of Objections

- (a) Policy HE15 should be cross-referenced to Policy S8 'Shop Front Design' in the Retail Chapter of the Plan.

Inspector's Reasoning and Conclusions

11.15.1 The advice of the 1997 POS publication ('Better Local Plans') that has already been referred to (see Policy HE1) is for the general avoidance of cross-references in the formulation of planning policies (as distinct from their often useful insertion in supporting text) unless they are required for the clear understanding and application of policies. This seems eminently sensible and, in the present case, a cross-reference is not necessary. The reason is that the supporting text to Policy S8 at paragraph 5.46 now contains (as a consequence of a recommended PIC) a cross-reference to Policies HE14 to HE18 (inclusive). Since Policy S8 is

of district-wide application and Policy HE15 is of more specialised and localised application, it is logical that the cross-reference is contained in the text which refers to the more general Policy.

RECOMMENDATION

- HE15/1 No modification.

HE16: ILLUMINATION OF SIGNS IN CONSERVATION AREAS

The Objections

1584/31 The Marlow Group

Summary of Objections

- (a) Internally illuminated signs should be forbidden save in the most exceptional circumstances.

Inspector's Reasoning and Conclusions

11.16.1 The use of internally-illuminated signs is now commonplace in shopping areas and is often held to enhance their general appearance and vitality after dark. The objection tends to imply that they are invariably harmful to local amenity. This is not the case since internal illumination merely increases the visibility of signs whose intrinsic design may range from the very elegant and discreet to the outright ugly and intrusive. It is instructive to note that the relevant PPG19 scarcely mentions the subject of illuminated signs and only does so, in the context of amenity, to discuss appropriate levels of illumination in sensitive areas (paragraphs 11-12). Policy HE16 appears fully to accord with and usefully to elaborate the advice of PPG19 and is accordingly supported.

RECOMMENDATION

- HE16/1 No modification.

HE18: BLINDS ON SHOPFRONTS

The Objections

1260/14 *The Marlow Society*

Summary of Objections

- (a) Propose replacing 'untraditional form' with 'of a form untraditional to the area'.

Inspector's Reasoning and Conclusions

11.18.1 The LPA has responded to the conditionally withdrawn objection by adopting the suggested wording of the objectors in PIC 11/13. The resultant formulation reads a little oddly although its content appears unexceptionable. The LPA may wish to consider the following revised and expanded wording but no formal recommendation for modification is made:

THE INSTALLATION OF PROJECTING BLINDS OR CANOPIES ON SHOPFRONTS AND SIMILAR PREMISES WILL NOT BE PERMITTED WITHIN CONSERVATION AREAS UNLESS

THEY REFLECT THE FORMS WHICH HAVE BEEN TRADITIONALLY USED IN THE AREA AND EMPLOY MATERIALS COMMONLY ASSOCIATED WITH SUCH FORMS IN THE PAST.

RECOMMENDATIONS

- HE18/1 Modify Policy HE18 in accordance with PIC 11/13.

HE21: ARCHAEOLOGY

The Objections

1260/16 *The Marlow Society*

PIC 11/17 Objections

1798/28 *Buckinghamshire County Council – Environmental Services Dept*

Summary of Objections

- (a) Title of policy should be changed to 'Archaeology – Unscheduled Sites and Monuments'.
- (b) Reference should be made to the Buckinghamshire County Council Sites and Monuments record.
- (c) The Sites and Monuments Record should be included as an Appendix to the Plan.
- (d) Reference to sites of 'local' importance is potentially at variance with more generally used archaeological terminology. Reference to 'local' should be deleted.

Inspector's Reasoning and Conclusions

11.21.1 The effect of the changes to the wording of the supporting text contained in paragraphs 11.68 and 11.69 and of Policy HE21 appear to meet the above objections. Since the Policy is supported by Buckinghamshire County Council and appears not to conflict with the advice contained in PPG16, they are accordingly endorsed.

RECOMMENDATION

- HE21/1 Modify Policy HE21 in accordance with PICs 11/16 and 11/17.

HE22: PARKS AND GARDENS OF SPECIAL HISTORIC INTEREST

The Objections

1260/10 *The Marlow Society*
1597/2 *The National Trust, Thames & Chiltern Region*

Summary of Objections

- (a) Higginson Park and Court Garden, Marlow should be added to Appendix 14.

- (b) Policy HE22 and supporting text should be more tightly worded. Suggest the inclusion of the word 'or setting' to address the wider historic landscape.
- (c) In the event of major proposals affecting a Park and Garden, a detailed assessment of the visual impact and any long-term implications of such a proposal should be required.

Inspector's Reasoning and Conclusions

11.22.1 It is inappropriate to add any Parks or Gardens of Special Historic Interest to Appendix 14 of the Local Plan. The reason is that the National Register of these Parks and Gardens is maintained exclusively by the Historic Buildings and Monuments Commission (for England) (commonly referred to as 'English Heritage'). It is open to the objectors to suggest to the Commission that the Park and Garden at Marlow be added to the Register. The other objections that relate to the wording of the supporting text seem consistent with PPG15 advice and are accordingly endorsed. The only additional and informal comment that might be made (and this also applies to most of the Appendices) is that the Policy HE22 sites would usefully be named and numbered on the Proposals Map. Their respective 100 m OS National Grid References might also be inserted in the Appendix against their names. This comment is made in response to a subsequent objection and it would certainly assist in an easier understanding of the Local Plan by those not entirely familiar with the area.

RECOMMENDATION

- HE11/1 Modify paragraphs 11.7-11.72 and Policy HE22 in accordance with PICs 11/18-11/20.