
Appeal Decision

Site visit made on 20 September 2016

by A Napier BA(Hons) MRTPI MIEMA CEnv

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 September 2016

Appeal Ref: APP/B1930/D/16/3153753

24 Inkerman Road, St Albans, Hertfordshire AL1 3BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms C Sydenham against the decision of St Albans City & District Council.
 - The application Ref 5/16/0624, dated 26 February 2016, was refused by notice dated 25 May 2016.
 - The development proposed is described as 'two storey rear extension; improvements to basement; internal alterations'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The appeal dwelling is a locally listed building located within the St Albans Conservation Area. These are non-designated and designated heritage assets, respectively, and I am mindful of my statutory and other duties in these regards. The main issue in this appeal is the effect of the proposal on the significance of these heritage assets, with particular regard to whether or not the proposal would preserve or enhance the character or appearance of the Conservation Area.

Reasons

3. The Conservation Area is extensive and covers much of the historic core of the city, as well as large areas of undeveloped land, many of which appear to be of archaeological importance. As a result, it has a mixed character and appearance, with a range of different patterns and types of development, together with important areas of open space. In the general vicinity of the appeal site, there are a large number of older properties, of a variety of different designs, together with some more recent development. With some exceptions, much of the development within the road is in the form of terraces of two-storey houses, situated close to the relatively narrow highway, providing a predominantly residential, tightly-knit urban character to the local area.
 4. The appeal dwelling is a two-storey house, with a basement and a room in the roof, which forms the end property of a short terrace of four similar dwellings. It is the only house within the group with a dormer window to the rear roof slope and, on my visit to the site, I observed that a neighbouring dwelling had been extended to the rear at ground floor level. Nonetheless, despite these variations, the dwellings within the short terrace have a high degree of
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uniformity in their design and the small group has a strong architectural coherence. Furthermore, these houses are relatively modest in scale, with a distinctive L-shaped form and monopitch roof to the rear projection, which are elements that make a significant contribution to their overall appearance and, as such, are important to their character. Due to the pattern and form of surrounding development, the appeal dwelling is not particularly prominent within the streetscene and the rear elevation is not readily visible from within the public domain. Nonetheless, it can be seen from neighbouring properties. In any event, due to its form, design and close relationship to the other houses within the terrace, I consider that it is a locally significant building, which makes a positive contribution to the visual qualities and character of the area.

5. The proposed extension would considerably increase the overall scale of the appeal dwelling and would result in the loss of its important L-shape plan form and distinctive monopitch roof slope element. In addition, the scheme would require a significant increase in the eaves height of the existing rear projection, resulting in an awkward arrangement between the proposed and existing roofs. As a result, notwithstanding the proposed use of matching materials, I consider that the overall scale, form and design of the extension would not be sympathetic, but would result in a visually dominant and insensitive addition to the dwelling, which would significantly detract from its overall appearance and materially diminish its existing important character. Furthermore, for similar reasons, the proposal would also have an unsatisfactory relationship with the adjoining dwelling, which would be materially harmful to the character and appearance of that property and the others within the terrace.
6. It has not been suggested by the Council, nor do I consider from the evidence available to me, that the proposed alterations to the basement would be unacceptable. However, the absence of harm in respect of this element of the proposal would not address the harm identified above. Consequently, overall, I conclude that the proposal would have a harmful effect on the significance of this locally listed building and would not preserve the character and appearance of the Conservation Area. It would not be in accordance with the *St Albans District Local Plan Review 1994* Policies 69, 72, 85 and 87, where they collectively seek to protect local character and appearance, including in relation to the historic environment.
7. For the above reasons, the proposal would result in harm to the significance of the heritage assets, to which I give considerable importance and weight. However, it would not lead to the loss of the building and would directly affect a small part of the much larger Conservation Area. As a result, I consider that the harm, whilst material, would be less than substantial. Paragraph 134 of the National Planning Policy Framework (the Framework) requires that, in the case of designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. For non-designated heritage assets, paragraph 135 of the Framework requires a balanced judgement, having regard to the scale of any harm or loss and the significance of the heritage asset.
8. The main public benefits resulting from the scheme would be the provision of additional accommodation for the dwelling, which would enable a greater flexibility and improved functionality in the use of the property and provide facilities that would meet the needs of the appellant and her growing family, without greatly encroaching into the relatively modest rear garden and

avoiding increasing the demand for housing elsewhere. The dwelling has been described as sub-standard for present day living.¹ Nonetheless, whilst the amount of floorspace within the dwelling is relatively modest and the room sizes are not overly generous, the dwelling contains three separate bedrooms, together with a bathroom, living area and small kitchen. Although I understand that this accommodation no longer meets the needs of the appellant's family, there is nothing in the evidence before me that leads me to consider that the accommodation currently provided would be unable to meet the needs of other potential occupiers, or that the proposal would be necessary to secure the continued residential use of the dwelling in the long-term.

9. The proposal has received significant local support and I understand that the current occupiers of the dwelling are established and valued members of the local community, who wish to remain within the area. The additional accommodation and reconfiguration of the dwelling as proposed would facilitate these aims. However, I am mindful that the proposal would result in permanent alterations to the dwelling, whereas the personal circumstances of the appellant and her family are likely to change over time. Furthermore, even if some reconfiguration and enlargement of the accommodation were needed to facilitate its continued occupation by a family, I am not satisfied that the details provided demonstrate that the scheme proposed would be the most appropriate approach to achieve these aims, or that other potentially less harmful alternative approaches would not be viable or feasible in this case. Nevertheless, whilst I consider for these reasons that the overall benefits of the proposal would be relatively limited, given the encouragement in the Framework for such development, I give them moderate weight.
10. Paragraph 132 of the Framework advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and, as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. In addition, paragraph 131 of the Framework refers to the desirability of new development making a positive contribution to local character and distinctiveness. For the above reasons, I consider that the development would not make such a contribution and would be at real risk of eroding the important qualities of the area that are evidently valued by the appellant and her neighbours. As such, whilst the use of the site as proposed may be viable, it would not represent its optimum use.
11. For these reasons, I conclude that the benefits of the proposal would not be sufficient to outweigh the harm identified to the significance of the heritage assets and the proposal would not meet the aims of paragraph 17 of the Framework, to achieve high quality design, take account of the different roles and character of different areas and conserve heritage assets in a manner appropriate to their significance.

Other matters

12. The three roles of sustainable development are mutually dependent. Paragraphs 6-9 of the Framework indicate that 'sustainability' should not be interpreted narrowly. Elements of sustainable development cannot be undertaken in isolation but should be sought jointly and simultaneously.

¹ Appellant's statement, paragraph 1.3

Sustainable development also includes 'seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life'. The proposal would have some benefits and it is not a matter of contention that it would not be harmful to the living conditions of neighbouring occupiers, or in relation to parking and highway safety. However, for the reasons given, I find that the harm identified above would significantly and demonstrably outweigh the benefits of the scheme and, therefore, the proposal would not represent sustainable development.

13. Although I have found above that the alterations proposed to the basement would be acceptable, they are part of a larger scheme of works proposed to the dwelling. As a split decision has not been requested and the details provided do not clearly identify the implications of taking such an approach, I consider that it would not be appropriate to do so in this particular case.
14. It has been suggested that certain works to the dwelling could be undertaken using 'permitted development rights'. However, the information provided in this respect is limited and, from the details available, I am not satisfied that such an option would cause greater harm than the proposal. As such, I find that this is not a matter that carries any significant weight in its favour. My attention has been drawn to a single-storey extension to a neighbouring property. I do not have the full details of that scheme or the background to that decision. However, from the limited information available to me, it appears that this other scheme is materially different in its overall scale and design and, thus, is not directly comparable to the appeal proposal, which I have considered on its merits and in light of all representations made.
15. I am mindful of the rights of the appellant and her family under the Human Rights Act, including in relation to Article 8 and Article 1 of the First Protocol. In these respects, it is necessary to balance the fundamental rights of the individual and the best interests of the children against the legitimate wider public interest. For the reasons given above and having regard to the legitimate and well-established planning policy aims to protect the historic environment, I consider that a refusal of permission would be proportionate and necessary and would not result in an unacceptable violation of those rights. I have also had due regard to the Public Sector Equality Duty contained in the Equality Act 2010. For similar reasons, I consider that a refusal of permission would not have a disproportionate effect on those who share a relevant protected characteristic, such as age, or conflict with the three aims of the Duty. As such, none of these matters leads me to alter my findings above.

Conclusion

16. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A Napier

INSPECTOR