
Appeal Decision

Site visit made on 24 January 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 1 March 2017

Appeal Ref: APP/B1930/W/16/3159614
21 Russell Avenue, St Albans AL3 5ES

- 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 Mr Patel against the decision of St Albans City Council.
 - The application Ref 5/16/2143, dated 21 July 2016, was refused by notice dated 15 September 2016.
 - The development proposed is a detached building for a dental surgery treatment room.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (a) whether the proposal would preserve or enhance the character or appearance of the St Albans Conservation Area and (b) the living conditions of neighbouring occupiers, having regard to noise and disturbance.

Reasons

Character and appearance

3. The appeal site comprises a two storey semi-detached Edwardian property which has a double storey linked front projection with bay windows and a rear return. It is constructed of facing brickwork with rendered upper sections and a clay tiled roof. The ground floor is in use as a dental surgery and a private self-contained residential unit is located on the upper floors. The building is local listed within the St Albans Conservation Area.
 4. The St Albans Conservation Area Character Statement (SACACS) 2016 identifies the appeal site to be within Character Area 7L – Gombards and the Spencer Park Estate. It identifies the attractive and architectural coherent part of St Albans heritage of brick buildings which is cohesive in terms of regularity of plotting, the materials used and the richness of the architectural detailing of the era. Furthermore, the SACACS identifies the area as retaining a quiet, sometimes grand and somewhat elegant late Victorian and Edwardian Character.
 5. From what I saw on site, the Conservation Area comprising Russell Avenue comprises brick build buildings, architecturally rich in detail and similar in original form which gives the area a grand and elegant quality as identified in the SACACS. Many of the buildings have been altered to encompass doctors and dental surgeries. There is also a multi storey car park opposite outside of
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the Conservation Area. Despite this, the qualities of materials, architectural detailing, grandness and elegance are of significance and value, and of special interest to the Conservation Area. By reason of its Edwardian design and building size, the appeal property contributes positively to these qualities and contributes to the special interest of the Conservation Area.

6. The proposed building would be constructed with timber panelling to its exterior walling and would have a flat roof, perhaps with a sedum roof. However, the footprint of the building would extend across most of the rear space of the appeal property. There would be limited space about the building by reason of it being close to the rear boundary, almost touching it at one point, and about a metre from one side boundary and just less than a metre from other side boundary. With its roof, the building would also be approximately 2.5m in height and above the height of the surrounding fences of the property. The materials and design would also fail to respect the visual aesthetics of the Edwardian appeal property by being so markedly different. For all these reasons, the proposal would adversely affect the appreciation of the attractive qualities of this Edwardian building and its contribution to the Conservation Area.
7. Although the building would not be visible from Russell Place, the building would be noticeable from surrounding properties many of which serve members of the public, being similarly in medical and associated uses. Given this and the nature of the identified adverse impact, the lack of visibility from Russell Place would not justify the proposal. The building would replace an existing building which the Council indicate is unauthorised. Irrespective of this, it is a smaller building with a lower roof height and therefore would not be comparable in terms of scale and extent. There is a tight-knit feel to development in the area with some rear outdoor spaces being restricted in depth. In relation to the immediate context of the site, 1 Upton Avenue and Nos 13 to 17 Russell Place, rear gardens are hard surfaced and used for car parking. Other properties in the area have had extensions and outbuildings to the rear. However, these developments would not be as dominating in building size by reason of footprint and height as the appeal proposal.
8. In terms of the National Planning Policy Framework (the Framework), the proposal would result in less than substantial harm. Paragraph 134 of the Framework states where a development would lead to less than substantial harm to the significance of a designated heritage asset (such as a Conservation Area), this harm should be weighed against the public benefits of the proposal.
9. There is an increasing demand to provide dental services and a shortage of facilities to meet this demand. The Appellant's practice is oversubscribed and experiencing difficulties given the restricted and constrained layout of the appeal building. The provision of a third consulting room would address these issues experienced by the practice and would allow it to increase its number of patients. The only space to achieve this would be to the rear of the building. The proposal would contribute to local and national planning policies aims of achieving healthy communities and would provide social benefits to the community and economic benefits through expanding a local business.
10. However, in the balance, the benefits have to be weighed against the adverse impact on the character and appearance of the Conservation area for which considerable importance and weight has to be attached. In terms of the

benefits, there is a lack of dentistry facilities to meet demand but based on the evidence given, it has not been demonstrated that the additional provision required to meet a small part of this unmet demand has to be made on this site with its heritage considerations. In terms of economic and social benefits, they would be limited given the proposal is an addition of only one consulting room to an existing dental practice. Therefore, while the harm to the significance of the Conservation Area is less than substantial, the public benefits would not be sufficient to outweigh that harm.

11. For all these reasons, the proposal would fail to preserve the character and appearance of the Conservation Area, including the wider area. Accordingly, the proposal would conflict with policies 69, 85 and 87 of the St Albans District Local Plan (LP) 1994, which collectively and amongst other matters, require a high standard of design and the need for new development to preserve and enhance the character and appearance of Conservation Areas.

Living conditions

12. The building would comprise a particular type of compressor which would be housed within a timber clad box to the rear of the outbuilding close to a neighbouring residential property. The Appellant has advised that the compressor would be in use for up to a maximum of 3 minutes every hour during normal working times.
13. It is indicated that the proposed Compressor would generate a noise output equivalent to people's normal conversation or background noise level in a suburban location. The surrounding area is in mixed commercial and residential uses on the edge of a city centre where background levels would generally be expected to be high. However, background levels can vary in built-up areas and be lower in rear private outdoor spaces of residential properties within them and even for a few minutes extra noise can be noticeable and significant.
14. Moreover, the supporting information for the compressor indicates that it cannot be enclosed raising questions about whether any form of enclosure to provide sound attenuation can be provided. Therefore, it would be unreasonable to impose a condition to overcome this issue because I cannot be sure satisfactory mitigation could be secured without some detail on noise levels and clarification on the enclosure of the compressor.
15. On this basis, I can only conclude that the development would harm the living conditions of the occupiers of the neighbouring properties, having regard to noise and disturbance. Accordingly, the proposal would be contrary to policy 9 of LP, which amongst other matters, requires development to not affect the amenity of the area by reason of noise.

Conclusion

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

Jonathon Parsons

INSPECTOR