

Appeal Decision

Site visit made on 27 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: 01 March 2017

Appeal Ref: APP/B1930/W/16/3159786

179 Verulam Road, St Albans, Hertordshire AL3 4DR

- 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 John Falletta ("Romans") against the decision of St Albans City & District Council.
 - The application Ref 5/16/1507, dated 13 May 2015, was refused by notice dated 26 July 2016
 - The development proposed is the provision of a safety fence over an existing boundary wall.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the St Albans Conservation Area.

Reasons

3. The appeal site comprises a hard surfaced forecourt area used for the display and sale of vehicles which is at the junction of Verulam Road and Kingsbury Avenue. By reason of the topography of the site, the forecourt is roughly level with the top of a retaining wall on both roads. On the Verulam Road, the retaining wall is at its greatest height whilst on Kingsbury Avenue, the wall gradually reduces the further way it is from the junction of the two roads. There is also a small section of steel railings above the boundary wall on Verulam Road. The surrounding area consists of mainly housing but some commercial development, including a petrol filling station with convenience store and vehicle workshop, and a large public park beyond this. The appeal site and surrounding area is within the city wide St Albans Conservation Area.
 4. Within this part of the Conservation Area, the older traditional properties are attractively constructed with architectural detailing and where they are located in street blocks, have a general uniformity arising from similarity in their original built form. Properties also have generally low walls, fences and hedges. There are some higher retaining walls close to junctions but these are generally the exception. Around the public park, there are railings but there is green space viewable behind them so reducing any feeling of enclosure. The qualities of construction and building uniformity of the traditional buildings and openness are of significance and value and of special interest to the Conservation Area as a whole. In the main, the appeal site has an open quality
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to it because, despite its raised nature, the forecourt is mostly not enclosed and so it contributes positively to the identified openness quality and contributes to the special interest of the Conservation Area.

5. The proposed frameless glass balustrade would extend across the Verulam Road frontage and before wrapping around Kingsbury Avenue frontage of the site. It would be positioned just behind the site's retaining walls and would be translucent by reason of the glass material. Nevertheless, it would be seen as a solid structure by reason of its panel type construction and an extension of the existing retaining walls by reason of its attachment. Together with its height and length, it would be seen as a substantial structure resulting in a significant physical enclosure of the site for these reasons. In a prominent location at a junction of two roads, it would thus adversely affect the openness of the Conservation Area.
6. There is a drop in height from the forecourt to the pavement below. Whilst the Appellant has a duty of care to customers and staff regarding hazards, there is no information before me to demonstrate that a glass balustrade is the only way of meeting relevant legislative requirements. Warning signs have been discounted but the reasons for this have not been substantiated. There is security surveillance, including cameras, that have recorded trespassers on the site trying to open cars and damage could be expensive given the value of cars for sale. The Appellant is naturally concerned to deter any such damage and avoid considerable stress. However, again, it is unclear from the evidence whether the proposal put forward is the only means of achieving better security and protection of cars on the site.
7. 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. There is an existing business providing employment and financial contribution to the local economy. Nevertheless, the need for a glass balustrade has not been proven for the reasons given and therefore the proposal has limited benefit. 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. 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.
8. There has been a dismissed appeal for proposed railings at the site. Some of the Inspector's description of the Conservation Area's qualities and comments on security coincide with mine. Nevertheless, I have considered the current proposal on its planning merits taking into account its glass balustrade design.
9. For all these reasons, the development would fail to preserve the character and appearance of the Conservation Area. Accordingly, the proposal would be contrary to Policies 69 and 85 of the St Albans District Local Plan Review 1994, which amongst other matters requires a high standard of design and the need for development to preserve and enhance the character and appearance of Conservation Areas.

Conclusion

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

Jonathon Parsons

INSPECTOR