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## Appeal Decision

Site visit made on 21 February 2017

**by David Troy BSc (Hons) MA MRTPI**

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

**Decision date: 14 March 2017**

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**Appeal Ref: APP/B1930/W/16/3162822**

**26 and 26A Hollybush Lane, Harpenden, Hertfordshire AL5 4BA**

- 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 Kevin McBride against the decision of St Albans City & District Council.
  - The application Ref 5/16/0735, dated 7 March 2016, was refused by notice dated 21 September 2016.
  - The development proposed is demolition of existing dwelling at 26 Hollybush Lane and erection of two replacement semi-detached three bedroom dwellings with accommodation in the roof space.
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. The site address on the submitted application and appeal forms differ. I have used the address adopted by the Council which appears most accurate.

### Main Issue

3. The main issue is the effect of the demolition of a locally listed building on the character and appearance of the Harpenden Conservation Area.

### Reasons

4. The appeal site comprises of a two storey detached property located in a mature well-established residential area and the Harpenden Conservation Area (CA). There are a range of detached and semi-detached properties in the immediate vicinity of the site that provide a diverse mix of house types and variety in the design and appearance of the dwellings in the area.
5. The appeal property is a locally listed building and is a long narrow two storey house with its gable end on to the road and backing onto a railway line. The property has been subdivided into Nos. 26 and 26A Hollybush Lane (Nos. 26 and 26A), although I observed at the time of my site visit it is functioning as a single property. It is built in a traditional style in brick and render with a timbered gable detail and attractive clay ridge tiles. The Inspector on the previous planning appeal for two detached dwellings on the appeal site<sup>1</sup>

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<sup>1</sup> APP/B1930/A/13/2193646 and APP/B1930/E/13/2193647

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- considered that the proportions of the house and its styling make a modest positive contribution to the character of the CA and I agree.
6. The proposal would entail the demolition of the existing property and the erection of two semi-detached dwellings with habitable roof space, associated parking and garden areas. The proposed dwellings would be two storey with front projecting gables and bay windows on each front elevation and a rear dormer and rooflight on each rear elevation.
  7. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires special interest to be given to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 132 of the National Planning Policy Framework (the Framework) points out that "as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification". Accordingly, when considering the impact of a proposed development on the significance of a heritage asset (which the Framework defines as including conservation areas and statutory and locally listed buildings), great weight should be given to the asset's conservation.
  8. Policy 87 of the St Albans District Local Plan Review 1994 (DLPR) seeks to protect locally listed buildings such as Nos. 26 and 26A because of their local significance. Paragraph 135 of the Framework acknowledges the value of locally listed buildings as non-designated heritage assets and requires an assessment of the impact of their loss. Policy 87 is consistent with the Framework in this respect and therefore it is appropriate to use the policy as the basis of the assessment of the proposed demolition even though the DLPR itself pre-dates the Framework.
  9. Policy 87 of the DLPR requires either criteria (i) and (iii) or (ii) and (iii) to be met. Regarding criteria (i), and whether there are viable alternatives to demolition, it has been put to me by the appellant in his supporting evidence that the appeal property is in a poor structural condition and would need such extensive structural repair and modernisation if it were to be retained that it would not be viable to retain and renovate it. The appellant's supporting viability reports outline that the building cannot be repaired and retained at reasonable expense. However, the structural engineer's report and building quotations provided, demonstrate that the building is capable of repair to bring it back into habitable use.
  10. I note that the appellant has explored some alternative uses. However, the information provided does not appear to consider the possibility of converting the existing, repaired building into two dwellings and so the comparison of costs is not strictly 'like for like'. It is also possible that an application for sensitive additions to the existing building could be considered which may add further value. Policy 87 of the DLPR also supports the possibility of sale to an alternative user but no information has been supplied regarding the recent marketing of the property for residential or alternative uses. I therefore do not consider that sufficient justification has been provided under criteria (i) to demonstrate that the viability of alternative uses for the building (including the possibility of sale to an alternative user) have been fully explored.
  11. The appellant argues that as the appeal property is not a statutorily listed building, there was no need for the appeal application to include a structural engineer's report on the integrity of the building, nor the cost of repair and continued use, nor for any information at all to be submitted in relation to the

viability of the retention of the existing building. However, I do not concur with the appellant on this matter. This information provides an opportunity to make an informed judgement on the merits of this case and for the reasons set out above, does not justify the loss of the locally listed building in this case.

12. In terms of policy 87, absence of this evidence would not necessarily result in dismissal of the appeal if there was clear evidence under criteria (ii) of substantial planning benefit to the community to outweigh the loss of the building through demolition. This reflects the assessment set out in the Framework. Whilst I accept that the redevelopment and creation of two family dwelling units could be considered to provide some community benefit, I am not persuaded that this would be sufficient to outweigh the loss.
13. The appellant's appeal statement and heritage assessment submitted in support of the appeal contests that the Council has not followed best practice as advocated by Historic England Good Practice Advice Note 7 on 'Local Heritage Listing' 2016 (HEAN7) in identifying the importance of the building, both in its own right and in relation to its contribution to the conservation area. The appellant argues that the original building has been severely compromised as a result of the extensions and alterations made to the property over the years and as such makes little or no positive contribution to the character and appearance of the conservation area.
14. Nevertheless, the appeal site is situated within the CA as well as being identified in the Council's Local List of Buildings of heritage significance. The Harpenden Conservation Area Character Statement 2008 seeks to retain features such as buildings which make the CA special, which would include locally listed buildings. Moreover, paragraph 11 of the HEAN7 states that local heritage listing also demonstrates explicitly that a building makes a positive contribution to the character of a conservation area. Paragraph 138 of the Framework resists the loss of a building which makes a positive contribution to the significance of the conservation area, as is the case here and this harm needs to be considered accordingly.
15. Given the modest scale of the development, the harm would be less than substantial but in accordance with paragraphs 134 of the Framework, that harm should be weighed against any public benefits to the proposal. However, I find insufficient public benefit arising from this proposal for two dwellings to offset the identified harm to which I attach significant weight.
16. In light of the above, I see no need to explore further whether the proposed dwellings would conflict with criteria (iii) of policy 87 of the DLPR that requires an acceptable and detailed plan for the redevelopment to be agreed nor whether the replacement dwellings would preserve the character and appearance of this part of the CA. I have noted the appellant's comments regarding the lack of formal objections from the neighbouring properties and the Town Council. Whilst this maybe so, this does not set a precedent for such an inappropriate development in this location for the reasons set out above and accord this matter limited weight.
17. I conclude that as the irreplaceable loss of the locally listed building cannot be justified on the basis of the information submitted and there is limited community benefit arising from the proposal, neither criteria (i) nor (ii) of policy 87 of the DLPR would be satisfied and as such the case for the demolition of the locally listed building has not been made. As a result the test

in respect of demolition in conservation areas in policy 85 of the DLPR is also not met. As such the proposal would fail to preserve the character or appearance of the CA contrary to policies 85 and 87 of the DLPR and paragraphs 132, 134 and 138 of the Framework for the reasons set out above.

### **Conclusion**

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

*David Troy*

INSPECTOR