
Appeal Decision

Site visit made on 16 May 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMI MRTPI

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

Decision date: 9 June 2017

Appeal Ref: APP/B1930/W/17/3167785

Eastmoor Lodge, East Common, Harpenden AL5 1DA

- 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 and Mrs J Gilbert against the decision of St Albans City & District Council.
 - The application Ref 5/2016/2870, dated 20 September 2016, was refused by notice dated 29 December 2016.
 - The development proposed is a replacement dwelling and garage with associated access and landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the effect of the proposal, including the demolition of the existing non-designated heritage asset, would preserve or enhance the character and appearance of the Harpenden Conservation Area.

Reasons

3. The appeal dwelling is included in the Council's Local List of buildings of heritage significance. It is within the Harpenden Conservation Area (HCA) which encompasses the central areas of the town and Harpenden Common. Harpenden expanded significantly during the Victorian period and parts of the Conservation Area date to this time. In addition, a variety of high quality suburban residential developments were constructed around the fringes of the Common during the first 4 decades of the 20th Century. Many of these properties display a high degree of craftsmanship and decoration.
 4. The appeal site is located within the sub-area of the HCA referred to as 'Area L1 – The East Side.' The Council's Conservation Area Character Statement for Harpenden (CACSH) identifies that this sub-area has a spacious rural character and that the East Common has detached houses that range in size from cottages to a substantial Victorian residence.
 5. Eastmoor Lodge is an attractive detached property that is set within a spacious plot. It is a characterful 1930s period property that makes a positive contribution to this sub-area of the HCA.
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6. From the evidence from before me it is not clear whether the Council's Local List of buildings of heritage significance underwent specific public consultation. However, the list was originally drawn up in 1990 and included the appeal property; this was prior to the St Albans District Local Plan Review (SADLPR). As such it has to be assumed that it formed part of the evidence base that underpinned Policy 87 on Locally Listed Buildings. I therefore have no reason to conclude that Eastmoor Lodge should not be considered to be a non-designated heritage asset.
7. I note that the appellants' Historic Building Appraisal states that the existing property to be a standard 1930s style dwelling of no historic interest or particular architectural merit that would warrant its protection. However, I find that in the context of the HCA the Eastmoor Lodge makes a positive contribution to the character and appearance. It also fulfils the mechanism¹ of having been identified through the local plan process as a non-designated heritage asset.
8. The appellants have referred to another appeal² which considered the status of the Council's Local List of buildings of heritage. I note that the Inspector did not reach a definitive conclusion on the status of the list. The circumstances of that case are materially different because that property was disused, had a dilapidated appearance and had been subject to several unsympathetic modifications. Consequently that appeal decision does not affect my conclusion that Eastmoor Lodge is correctly identified as a non-designated heritage asset.
9. There is no statutory protection for non-designated heritage assets, including those on a local list compiled by a Council. The National Planning Policy Framework (the Framework) in paragraph 135 identifies that the significance of a non-designated heritage asset should be taken into account in decision making.
10. The scheme would result in the total loss of this non-designated heritage asset. Although Eastmoor Lodge is not specifically mentioned in the CACSH I find that it is an important and significant building within 'Area L1 – The East Side' due to its design, scale, appearance and age. Consequently I conclude that its loss as a non-designated heritage asset would be contrary to paragraph 135 of the Framework and would adversely affect the character and appearance of the HCA.
11. It is common ground between parties that the appeal property has extant consent to be extended south eastwards towards the neighbouring property 'Ivy Cottage.' I note that an appeal³ for a further extension of Eastmoor Lodge has been dismissed since this appeal was submitted. Whilst the scale and nature of the permitted extensions are a material planning consideration, they would not be as substantial as the proposal now before me. The permitted extensions have been judged to be acceptable by the Council without detracting from the character and appearance of this non-designated heritage asset and the HCA.

¹ Planning Practice Guidance ID: 18a-006-20140306

² APP/B1930/E/12/2170101 and APP/B1930/A/12/2170 100 Former Rose and Crown Public House, 91 Southdown Road, Harpenden Hertfordshire AL5 1PS, dated 13 June 2012.

³ APP/B1930/D/16/3165257, dated 21 February 2017

12. The overall scale of the new dwelling would be broadly comparable to the previously approved scheme. However, the design would introduce a number of features which would over emphasise the scale and mass.
13. The proposed roof design would incorporate elements of a crown roof and a predominantly flat roof on the large single storey element nearest to 'Ivy Cottage.' This roof shape would contrast with other nearby properties. The flat roof element would not be sufficiently disguised by the dummy pitch along its edge. I find that this feature would be a discordant element in the overall design and would adversely affect the character and appearance of the HCA taken as a whole.
14. The rear elevation would include bi-folding doors across the whole width of the ground floor. Although these bi-folding doors would visually dominate the rear elevation, they are not visible from the wider HCA. Accordingly I do not find that they would adversely affect the character and appearance of the HCA.
15. I find that the appeal proposal would be contrary to the saved Policies 69 and 70 of the SADLPR, which amongst other things requires the design of new development to have regard to the character of its surroundings. There would also be conflict with the saved Policies 85 and 87 of the SADLPR, which seek to ensure that development preserves and enhances the character and appearance of Conservation Areas and prevent the unjustified loss of locally listed buildings.

Other matters

16. I have had regard to the potential environmental and economic benefits of the scheme identified by the appellants; however, this would not overcome the harm that I have identified.
17. I acknowledge the local concerns regarding the potential implications of construction works on the condition of the existing private road. However, there are no objections from the Highway Authority and the extant permissions to extend the property would already lead to construction vehicles needing to use this access road.

Conclusions

18. I have had regard to the statutory duties set out in s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the reasons above, I conclude that the development would fail to preserve the character and appearance of the HCA. This harm would be less than substantial when considered against paragraphs 132 and 134 of the Framework. However, there are no public benefits that would outweigh the harm to the HCA in this case.
19. I conclude that the appeal proposal would conflict with relevant local and national planning policies and the development plan as whole. Taking all matters into consideration, the appeal proposal should be dismissed.

Rachael A Bust

INSPECTOR