



Appeal Decision

Site visit made on 12 February 2019

by G Jenkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2019

Appeal Ref: APP/B1930/W/18/3215444

2 Salisbury Avenue, AL5 2QQ.

- 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 Michael Margereson against the decision of St Albans District Council.
 - The application Ref 5/17/3424, dated 15 December 2017, was refused by notice dated 3 May 2018.
 - The development proposed is demolition of existing dwellings and redevelopment to provide two apartment blocks comprising a total of eleven x two (No) bedroom apartments and associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area, including the Harpenden Conservation Area (CA).

Procedural Matters

3. The Council has withdrawn the second reason for refusal, which required a complete legal agreement to be submitted in order to provide measures to mitigate against the likely impact of the development on educational facilities and youth facilities.
4. The Council now claim that given the passage of time since the original assessment of the application there are currently no specific projects identified by Hertfordshire County Council to meet the relevant CIL Regulations in relation to secondary education provision and therefore there are now no such obligations being sought by the Council.

Reasons

Character and Appearance

5. The appeal site is located within the Harpenden CA. The Council's Conservation Area Character Statement for Harpenden (CACSH) was approved in 2008. The CA is a large area and the CACSH indicates that the appeal site falls within Identity Area E1 –the Avenues West of the Town Centre. The CA consists of houses within substantial plots. The houses are red brick, frequently with decorative timbering, set in attractive well-planted gardens. They have broad uniformity of style however, they do differ from each other in appearance and are often set in groups of two or three of similar design each of which is

- identified by its own distinctive detailing, in carpentry, brickwork and stonework.
6. Due to the large gardens there has been a significant amount of infilling in the spaces between existing houses. The 'infill' houses are of various dates and styles, some reflect the traditional appearance of the area and others stand alongside their neighbours on their own merits, representing a building style of a later stage of development in the area.
 7. The application site comprises the residential property known as 2 Salisbury Avenue, which is a two-storey dwelling house, set back on the plot with a front garden and a driveway. Alongside, adjacent to the road junction, there is an area of additional garden land, which forms the corner part of the plot and has an extant planning permission for a detached house and garage.
 8. There is an existing vehicular access from Salisbury Avenue. The site is heavily landscaped with mature trees and planting. The surrounding area is predominantly residential consisting of mostly dwelling houses set in substantial plots in the Edwardian Villa style, which is characteristic of this part of the Harpenden CA. The site is within close proximity of Harpenden town centre. There are a number of locally listed buildings in the vicinity of the neighbouring properties at 5 Kirkwood Avenue and 8 Rothamsted Avenue.
 9. The proposal is for the construction of two apartment blocks comprising eleven two-bedroom flats and associated landscaping following demolition of the existing dwelling and outbuildings. Block A is positioned on the corner part of the site (fronting Rothamsted Avenue) and Block B is positioned fronting onto Salisbury Avenue and is set further back from the road with a parking area in front.
 10. The Council acknowledge that there is no in principle objection to the demolition of the existing building which they consider does not make a positive contribution to the character and appearance of the Harpenden CA.
 11. The concerns with the scheme arise in relation to the detailed design of Block B particularly in relation to the height of the proposed rearward projection of the building, which is considerably higher than the existing dwelling. I agree with those concerns and find that this additional mass, in a backland location would result in harm to the character and appearance of the CA.
 12. The height and bulk of the proposed rear elevation would be such that it would result in a detrimental loss of the spacious character of the area and the greenery that separates plots and contributes to the feeling of openness. The overbearing nature of this element of the proposal would therefore not respect the existing open layout of the area in particular regard to the spacing between buildings and from site boundaries. This is therefore contrary to paragraph 10.4 of the CACSH, which requires extensions and conversion to be in scale and proportion with existing building and will be expected to be of a high quality to maintain the 'Arcadian' character of the townscape within 'The Avenues'.
 13. I find this part of the CA, 'The Avenues' to contribute significantly to the importance of the CA and whilst local authorities should look for opportunities for new development within CA's, I do not find that the rear elevation of block

B of this proposal would enhance or preserve the significance of the CA. Even if I were to accept the appellant's argument that the ground levels are lower towards the rear of the site, the proposed building would be visible in the gaps from both Kirkwick Avenue and Rothamstead Avenue and in oblique views from the Salisbury Avenue and would compromise the existing spacious character of the area. I consider the proposed depth, continuing at the same height as the frontage to be overly dominant and unsympathetic which would result in significant harm to the character and appearance of the CA.

14. While I consider the above harm would be less than substantial, the National Planning Policy Framework advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use
15. I accept that the proposal would result in 11 two-bedroom apartments and that the overall net gain in dwellings would be significant. However, I am aware that a smaller scheme for 10 units has been approved on the site and therefore this proposal would in fact result in just one additional dwelling. I acknowledge the economic benefits during the construction phase, however, these too would come from the smaller approved scheme.
16. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Furthermore, I have a duty to pay special attention to the desirability of preserving the character and appearance of the CA.
17. Therefore I conclude that I find that the benefits of the proposal through the provision of additional residential units and other public benefits would outweigh the less than substantial harm identified when assessed against the Framework and it is contrary to Policies 2, 4, 69, 70 and 85 of the St Albans Local Plan Review 1994; which amongst other things seek to enhance and preserve the character and appearance of CA's.

Planning Balance and Conclusion

18. There is a national requirement to boost the supply of housing. The Council are currently unable to demonstrate a 5-year housing land supply and the site falls within a sustainable location where additional development is required. The proposal would result in employment during the construction phase and would replace a dwelling, which does not positively contribute to the CA.
19. However, in accordance with Paragraph 11d)i of the Framework, the protection of areas or assets of particular importance provides a clear reason for refusing development over and above the presumption in favour of sustainable development and in this instance I find that the less than substantial harm that the overbearing scale of the proposal would result in cannot be outweighed by the public benefits referred to above.

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

Gemma Jenkinson

INSPECTOR