
Appeal Decision

Site visit made on 5 August 2019

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Appeal Ref: APP/B1930/D/19/3228483

Waterside House, Waterside, London Colney AL2 1QX

- 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 Mark Phillips against the decision of St Albans City and District Council.
 - The application Ref 5/19/0151, dated 22 January 2019, was refused by notice dated 19 March 2019.
 - The development sought is described as retrospective permission for the erection of an open sided shelter.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The appeal building is in place. It appears to be in accordance with the plans.

Main issues

3. The main issues are the effect of the development on the setting of Waterside House, which is a listed building, and on the character and appearance of the London Colney Conservation Area (CA).

Reasons

4. The appeal building is an open sided timber structure with a pitched roof that stands amongst a group of outbuildings to the rear of Waterside House in the main built up area. As these rear outbuildings are close to and visually 'read' with Waterside House, they form part of the setting to this Grade II listed building. The listed building description notes that Waterside House dates from the early 18th Century. As a historic building with a prominent frontage to the ford and the Telford Arches Bridge, Waterside House positively contributes to the character and appearance of the CA, within which the site falls.
5. I have paid special attention to the desirability of preserving the listed building or its setting and to preserving or enhancing the character or appearance of the CA as required by sections 66 and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policies 85 and 86 of the City and District of St Albans District Local Plan Review (LP) reflect these statutory duties.

Setting of Waterside House

6. When considering the impact of a proposal on the significance of a designated heritage asset, the National Planning Policy Framework (the Framework) states that great weight should be given to the asset's conservation. The Framework explains that significance, which derives not only from the asset's physical presence but also from its setting, can be harmed or lost through development within its setting. As heritage assets are irreplaceable, the Framework advises that any harm or loss should require clear and convincing justification.
7. Waterside House has a simple form, traditional style, balanced elevations arranged around central features and a regular pattern of fenestration that together give the listed building an orderly and distinguished presence. When seen from the Telford Arches Bridge, it is a key building within a line of varied properties that form an attractive backdrop to the watercourse and the adjacent areas of informal open space.
8. At the rear of Waterside House there is a row of outbuildings to one side of the back garden, which differ to each other in size, shape, height and design. That these outbuildings stand close together visually accentuates their contrasting form and general appearance. Within that group, the appeal building is nestled between a larger and taller white painted brick garage on one side and a diminutive shed-like structure and a timber building that resembles a summerhouse on the other. The open sides and grey felt shingle roof of the appeal building also clearly set it apart from the solid walls and appearance of others in the same group. Consequently, the appeal building stands awkwardly even among the varied built form on either side. It highlights the incoherence of the outbuildings to which it belongs and draws attention to the marked contrast between this group and the refined, balanced and unfussy appearance of Waterside House. In doing so, the development detracts from the setting of the listed building and thus diminishes its significance as a heritage asset.
9. The appellants state that buildings previously occupied the site in broadly the same position as the existing outbuildings, which appears to be shown on the aerial photograph provided. According to the appellants, commercial activities were carried out from glasshouses on the site up until the early 2000s. However, there is no obvious evidence of these previous buildings or structures 'on the ground' and few details have been provided that would allow a meaningful comparison with their counterparts that are now in place. As such, I am unable to conclude that the development has potentially enhanced the setting of Waterside House, as the appellants suggest. Like the Council, my assessment reflects the current characteristics of the site.
10. I also acknowledge that the previous outbuildings are not referred to in the listed building description, which focuses on the property itself rather than its setting. While residential properties inevitably evolve over time with outbuildings and structures added and removed to reflect the changing needs and circumstances of occupiers that process of change does not justify introducing a discordant and obtrusive form of development.

Character and appearance of the CA

11. The CA covers the historic part of the settlement and includes several listed buildings, part of the river and areas of open space. I saw several examples of

outbuildings within the grounds of existing buildings and so the development is not, in itself, an uncharacteristic addition to the CA.

12. As the appeal building is to the rear of Waterside House and largely shielded from public view by existing buildings and the entrance gate of Waterside House, it is not readily evident in the local street scene. The upper section of the appeal building is likely to be visible from the adjacent property to one side of the site although it would be viewed in the context of the outbuildings on either side. Even so, by causing significant harm to the setting of a listed building and diminishing its significance as a heritage asset, the development has reduced the positive contribution of Waterside House to the CA. In doing so, the development has had a deleterious effect on the character and appearance of the CA, which has failed to be preserved.

Public benefits

13. The harm caused by the development on the significance of the Waterside House and the CA as heritage assets is less than substantial. In those circumstances, the Framework advises that the harm should be weighed against the public benefits. During the site visit, I saw that the appeal building provided shelter for a number of historic motorcycles, which is a use of private value to the appellants rather than a public benefit. Some public benefit may have arisen from the support given to the local economy during construction and installation of the appeal building. However, this does not outweigh the significant harm that I have identified.

Conclusion on the main issues

14. On the main issues, I conclude that the development causes significant harm to the setting of Waterside House and to the character and appearance of the CA. As such, it is contrary to LP Policies 69, 72, 85 and 86, which aim to ensure that new development achieves a high standard of design, is compatible in its context, and preserves or enhances the character or appearance of the CA. There is also a conflict with the Framework with regard to the protection of heritage assets and with the statutory duties.

Other matters

15. The appellants are critical of the Council's assessment of the development and consider that the Officer's report is both inaccurate and misleading. However, the Officer's report clearly explains why in the Council's opinion planning permission should be withheld and it refers to relevant development plan policies and follows the approach taken in the Framework. It provides a reasonable basis for the Council's decision.

Conclusion

16. For the reasons set out above, and taking into account the absence from others, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR