



Appeal Decision

Site visit made on 9 September 2019

by Hilary Orr MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2019

Appeal Ref: APP/B1930/W/19/3232210

13 Kings Court, Mount Pleasant, St Albans AL3 4TH

- 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 Southern Territory (UK) Limited against the decision of St Albans City & District Council.
 - The application Ref 5/19/0358, dated 13 February 2019, was refused by notice dated 10 April 2019.
 - The development proposed is erection of single storey roof extension to provide 2 x 1 bed units, external alterations and erection of cycle store.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Appellant has clarified during the course of the appeal, that the Company name for this appeal is Southern Territory (UK) Limited rather than the name that appears on the Appeal form.

Main Issue

3. I consider that the main issue is the effect of the proposed development on the character and appearance of the original building, and the wider area, including the St Albans Conservation Area (SACA).

Reasons

4. The site is located on the southside of Mount Pleasant, close to the junction of Portland Street. The area is characterised by mainly conventional two storey housing of various ages styles and designs.
5. The appeal site comprises a 1950's block of flats containing six, two bedroom apartments set out over 3 storeys. The building is set at a lower level than Mount Pleasant and the land then rises towards the south east and the neighbouring dwelling at No 29. The flat roof and utilitarian design of the appeal building appears as an anomaly in the street scene. The building has generous gaps to the properties to either side, both of which are understood to be locally listed.
6. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the

desirability of preserving and enhancing the character or appearance of conservation areas.

7. The St Albans Conservation Area Character Statement (2016) (SACACS) aims to; (a) to show the way in which the form of the conservation area has evolved and to assess its present character; (b) to indicate the principles to be adopted, in considering planning applications in the area, and (c) to form a framework within which more detailed proposals may be formulated. The appeal site lies in the Character Area 5c. It goes on to refer to the appeal site as follows 'On the south side, the 1950s block of flats (nos. 31-41) does not contribute positively to the character of the conservation area. Three-storey, this building is flat-roofed and is set back from the street on lower ground, so its negative impact is slightly mitigated. Unfortunately, this building is opposite the end of Portland Street, and closes the vista when looking south from Portland Street.'
8. The appeal would provide an additional story to the roof of the appeal dwelling and a further two bedroom studio units. The roof would be of gable design with a central flat section. Six dormer windows are proposed to the front and five to the rear. Additionally, the windows would be replaced from UPVC to timber, for the entire block, and brickwork would replace the existing cladding.
9. I agree with the parties that the existing building has little or no architectural merit and appears incongruous within the street scene, in terms of its design and siting. However, the increase in height of the building as a result of this proposal, would be some 2.5 metres over the existing roof line. In my judgement and despite the change in land levels and the spacing between the buildings, this increase in height would significantly increase the scale size and bulk of the building when compared with others in the area. The prominent siting of the appeal site close to the junction with Portland Street would further exacerbate the scale of the building from viewpoints on all three roads.
10. I recognise the Appellants view that the redesigned roof would to some degree enhance and add interest to the appearance of the existing building. Nonetheless, the overall design lacks the architectural detailing and articulation of others in the SACA, which would allow it to integrate successfully into the street scene.
11. For the above reasons I find the proposed development due to its scale, mass and design, would significantly harm the character and appearance of the original building and the SACA. The proposal would therefore conflict with saved Policies 69, 70 and 85 of the City and District of St Albans District Local Plan Review (1994). These policies together seek to ensure that all development has a high standard of design and preserves and enhances the character or appearance of conservation areas.
12. The National Planning Policy Framework (the Framework) states that harm to a heritage asset might be defined as 'substantial' or 'less than substantial.' However, Planning Practice Guidance (PPG) advises that in general terms, substantial harm is a high test and that works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. In finding harm to the Conservation Area, due to the small-scale nature of the proposal, I would quantify its extent to be less than substantial.

13. Nonetheless, I attach considerable importance and weight to that harm. In applying the test set out in paragraph 134 of the Framework, I note that the proposed development would provide two additional residential units. The Council cannot currently demonstrate a 5 year housing land supply, thus this modest addition, weighs in favour of the proposal. However, this limited public benefit is not sufficient to offset the significant and demonstrable harm I have already identified.

Other matters

14. I am aware that the Council provided pre-application advice prior to the submission of this proposal and the scheme was amended as a result. However, planning authorities are not bound by any informal advice given by officers. My assessment is therefore based on the circumstances of the case and the evidence before me.

Conclusion

15. For the above reasons the appeal is dismissed.

Hilary Orr

INSPECTOR