



Appeal Decision

Site visit made on 3 February 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2020

Appeal Ref: APP/B1930/W/19/3240084

Priory Court, Old London Road, St Albans AL1 1PR

- 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 Des Allen (Allen Developments Ltd) against the decision of St Albans City & District Council.
 - The application Ref 5/19/1903, dated 16 July 2019, was refused by notice dated 23 September 2019.
 - The development proposed is described as "addition of 2 no. 2 bedroom apartments and 1 no. 3 bedroom apartment and associated works".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development proposed on the character and appearance of the site and wider St Albans Conservation Area; and,
 - the effect of the development proposed on highway safety.

Reasons

Character and Appearance

3. The appeal site is within the St Albans Conservation Area (the CA). I am therefore required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. The Conservation Area Character Statement for St Albans (the CSSA) identifies Priory Court as being "on an interesting modern three-legged plan but is dominant because of its greater (five storey) height and yellow brick". It further goes on to identify Priory Court, along other tall modern housing developments, as being negative characteristics of the CA "which are out of scale with the area and dominate the adjacent Victorian buildings." The CSSA identifies the wider setting as including "several fine detached and semi-detached pairs of listed houses" along London Road, while along Old London Road there are "a variety of diminutive terraces on tiny plots." Near the junction of London Road and Old London Road "is dominated by modern flat

developments” including Priory Court and the neighbouring building, Tollhouse Point.

5. The three-storey extension would project forward of the frontmost building line facing London Road and would be a large and prominent addition to the site. It would be of a distinctly different appearance to the existing building in both design and external materials that would highlight its prominent siting. It would restrict views of the neighbouring terrace of houses. There would be some screening from views along London Road by the existing projection and it would be partly sunken into the ground and seen in the context of the taller buildings in its surroundings. However, I consider that overall it would fail to integrate with the existing building or its wider setting.
6. The appellant has suggested that the use of a contrasting external material would draw on the use of red brick in the wider area, and that an alternative material could be required by condition if this would mitigate any perceived harm. However, I do not consider that this would adequately address the total harm arising from the size and prominence of the extension.
7. As material harm has been identified due to the size and siting of the extension it is necessary to determine whether this amounts to substantial or less than substantial harm. Having regard to paragraphs 196 and 197 of the National Planning Policy Framework (the Framework), the development proposed relates to a three-storey extension of siting and appearance out of keeping with the existing building and its wider setting, which includes a terrace of locally listed buildings. However, it would not be as tall as the neighbouring properties and screened to some extent by the projection of the existing building, and a different external material could somewhat mitigate the visual harm. The harm arising from its size and siting would therefore be less than substantial when weighed against the significance of the CA as a whole.
8. There would be benefits arising from 3 new homes, especially as it is common ground that there is a significant shortfall in the District’s supply of housing land. The Council has stated that it has no concerns regarding the effect on the character and appearance of the site and CA of the proposed single-storey extension facing Old London Road. Having visited the site and seen the location of this proposed extension and its setting I see no reason to disagree with this. I recognise as well that the new dwellings would be built to a high standard of sustainability, including the provision of green roofs. However, I am required to give great weight to the conservation of the significance of the CA, in accordance with paragraph 193 of the Framework, irrespective of the degree of harm that would result. In this instance I find that the harm from the size, siting and appearance of the three-storey extension would outweigh the benefits of the development.
9. Taking all the above factors into consideration I therefore conclude that the development proposed would fail to preserve the character and appearance of the site and the CA, thereby causing unacceptable harm. It would therefore conflict with Policies 69, 70 and 85 of the City and District of St Albans District Local Plan Review November 1994 (the LP). These policies seek, among other things, a high standard of design in new development that has regard to its setting and the character of its surroundings, and enhances or preserves the appearance of the CA.

Highway Safety

10. Vehicle access to the site is taken from Old London Road, a narrow street with traffic calming measures in the vicinity of the site and a 20mph speed limit marked by street signs. The proposed vehicle access includes an electric gate which both main parties agree would be set back 3.2 metres from the road. It is also common ground that this set back would be insufficient to allow a car to fully pull off the highway when waiting for the gate to open.
11. There are inaccuracies in the comments of the Highway Authority in their consultation response, in particular relating to the speed limit on Old London Road which is given as 30mph rather than 20mph. This may have affected the Authority's assessment of the proposal and has not subsequently been addressed by the Council in their submissions. In light of this I am not able to give full weight to the Highway Authority's comments on the proposal.
12. The street immediately outside the vehicle access is narrow, with double yellow lines on both sides. The vehicle access to another block of apartments, Devon Court, is close by on the opposite side of the road. There is a speed bump a short distance further along the road. Within this context I consider that traffic is likely to be moving slowly. Any obstruction arising from a vehicle turning onto the site and waiting for the gate to open would be limited to a short period of time. The road is wide enough for 2 cars to pass, and therefore any obstruction would only impede the flow of traffic when cars are passing the access on both sides of the road at the same time. I do not consider that such instances of conflict are likely to occur so frequently that the development would severely affect road safety.
13. Having regard to the above considerations I therefore conclude that the development proposed would not have an unacceptable effect on highway safety. It would therefore accord with Policies 34 and 70 of the LP, and Policy 5 of Hertfordshire's Local Transport Plan May 2018. Together these policies require, among other things, that new development should not severely affect road safety.

Other Matters

14. It is common ground between the main parties that the Council does not possess a five-year supply of housing land. The presumption in favour of sustainable development in such instances identified in paragraph 11 of the Framework is not engaged where harm would occur to a designated heritage asset such as a CA. I have therefore determined the appeal in accordance with the development plan, as I have found no conflict between the identified policies and the aims of the Framework. However, even if the presumption did apply, I consider that the harm that I have identified would significantly and demonstrably outweigh the benefits of the appeal proposal.
15. Both parties have referred to previous planning applications, including a previous appeal decision, relating to this site. However, I have only been provided with excerpts from the appeal decision and few details of the previous developments proposed. I have therefore given these previous decisions little weight in my determination of the appeal before me. Notwithstanding this, and in any event, I must determine this appeal on its own merits and based on the evidence before me, and confirm that I have done so.

16. The appellant has drawn to my attention advice provided by the Hertfordshire Design Review Panel that was sought in the development of this proposed scheme. It is clear from the Panel's report that the advice given was in response to a previous proposal rather than as an endorsement of the proposal before me. I note as well that one of the Panel's recommendations was to set any extension addressing the London Road frontage back from the existing foremost building line, which has not been followed. I have therefore given only limited weight to the Panel's comments in my determination of this appeal.
17. The appellant has raised concerns regarding the Council's handling of the application which is the subject of this appeal. However, addressing these concerns does not fall within the remit of this appeal, and I have given them no weight in my consideration.

Conclusion

18. I have found harm from the appeal proposal to the character and appearance of the site and the CA. While I have not found harm to highway safety, I consider that the harm regarding character and appearance would be unacceptable.
19. For the reasons given above I conclude that the appeal should be dismissed.

M Chalk

INSPECTOR