
Appeal Decision

Site visit made on 3 August 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2020

Appeal Ref: APP/B1930/W/20/3252580

Verulam House, Verulam Nursing Home, Verulam Road, St Albans, Hertfordshire AL3 4DH

- 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 Verulam Health Care Ltd against the decision of St Albans City & District Council.
 - The application Ref 5/19/2047, dated 5 August 2019, was refused by notice dated 28 November 2019.
 - The development proposed is the erection of three single bedroom 'assisted living' apartments.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address and description of the proposed development from the planning application form although I note these are expressed differently on other documents.
3. The appellant has put forward two new plans, drawing numbers 2416/2/A3/14 and 2416/A3/15. The additional information shown on these drawings provides sectional information relating to the proposed land level regrading of the site. This additional information does not materially alter the proposal. In accepting these drawings, I do not consider the interests of parties who might wish to comment would be prejudiced. For this reason, I have had regard to the plans.

Main Issues

4. The main issues raised in respect of the appeal are: -
 - (a) The effect of the proposed development on the setting of Verulam House, a Grade II listed building, and whether the proposed development would preserve or enhance the character or appearance of the St Albans Conservation Area (the CA); and
 - (b) The effect of the proposed development on trees.

Reasons

Listed building and CA

5. Verulam House is an early 19th Century building situated on a former coaching route between London and Holyhead. Verulam Road became St Albans most desirable residential area in the 1830s and 1840s and in present time is the main approach to the City from the northwest. Verulam Road and many of the roads which run off it have largely retained their historic residential function and character. St Albans Conservation Area Character Statement for St Albans states that the 'classical qualities of the group of buildings (Verulam House and coaching inn, and the Old Church) fits in well with the rest of the street.
6. The assisted living apartments are proposed within the walled grounds of the house, the former parkland setting relating to the house. The side garden, with its raised ground level, mature trees, enclosing front brick boundary wall with greenery running along it, forms part of the historic context of Verulam House. Verulam House also hosts aesthetic interest in terms of its vernacular materials and detailing. Taken collectively, the building and its setting is of heritage and architectural significance and this has no doubt contributed to the site's inclusion within the CA designation.
7. Despite the use of brick and zinc that would reflect the existing main building and its leadwork, the proposed development's form and design is somewhat fragmented and has a disjointed crown roof. It would have a squat appearance with fenestration of small proportions randomly placed within the elevations. The appearance of the proposed apartments would bear no relation to the rhythmic design and proportions of Verulam House and its later extension. Whilst it would be a separate and subservient property to that of the main building, it would be of markedly different appearance to that of Verulam House and its later side wing. I have been advised that the roof takes its cue from the roof of the chapel at the rear of the property, however the proposal would be seen in the context of the site frontage of Verulam House. I do not consider the proposal to be of an acceptable design and form for a building within the side garden of the listed Verulam House. It would be detrimental to the character and appearance of the building and its setting, as well as its special interest, and would, therefore, be harmful to its significance.
8. The design and form of the proposal would not reflect the existing development within this part of the CA and would appear as a discordant development within the context of the CA. I saw that the appeal site is visible from the adjoining public street. I observed that the development would be visible over the front boundary wall and through the existing boundary vegetation. Therefore, despite the proposed building having a set back from the front boundary of the site, the visual harm arising from the development would be apparent in public views from the surrounding area. Indeed Figure 8 of the appellant's Statement of Case shows that the proposal would be visible above the front boundary wall. It also shows that the existing garages at the adjacent garage court would remain visible in public views in the backdrop of the development as the development would not substantially screen them. The visual harm arising from the proposal would also be apparent to the residents, staff and visitors of Verulam House.

9. It has been suggested that this location is in a 'scruffy' part of the CA and that the development would rejuvenate an underused and overgrown part of the grounds. From my observation this is a rather characterful part of the CA and the site was well maintained when I visited. It is also suggested that the design approach taken would provide a better sense of light, airiness and well-being to the occupants. I see no compelling reason why a differently designed scheme would not achieve the same.
10. The National Planning Policy Framework (the Framework) indicates 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. Any harm to the significance of a designated heritage asset from development within its setting will require clear and convincing justification. The Framework is clear that where a proposed development 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 optimal viable use.
11. The proposed development would be harmful to the designated asset of the listed Verulam House. I consider there would be less than substantial harm to this designated heritage asset, and I give this considerable importance and weight. In addition, given the size and scale of the proposal effecting the adjoining CA as a whole, I consider there would be less than substantial harm to the character of the CA and the proposal would neither preserve or enhance it.
12. In accordance with paragraph 196 of the Framework I must weigh the harm against the public benefit of the proposal. The development would create three assisted living apartments associated with the existing care home that would contribute to the City and District's housing supply that would support the elderly population. I note there has been an under delivery of housing and a need for such accommodation and Policy 62 of the Local Plan encourages the provision of this type of housing. The principle of residential development would generally be accepted at this location and the proximity of the site to the City centre would facilitate easy accessibility for occupiers to services and facilities. The proposal would also provide a safe environment for its residents and optimise the land within the care home to provide additional accommodation and residential care. It would also bring about economic benefits through building construction, employment related to the expansion of the care home and contribute to expenditure within the local economy.
13. Given, however, that the proposal is limited to three assisted living apartments, the contribution and benefit to the public, in my view, would be modest, and insufficient to outweigh the harm identified. I conclude, therefore, that the proposed development would fail to accord with national policy that requires special regard to be given to the desirability of preserving the setting of a listed building (Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990). With regard to the CA, I conclude that the proposed development would fail to accord with national policy that requires special attention to be given to the desirability of preserving or enhancing the character or appearance of a CA (Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990).

14. For these reasons, I conclude that the proposed development would be harmful to the setting of the Grade II listed Verulam House and would not preserve or enhance the character or appearance of the CA. The proposal would, therefore, conflict with Policies 85 and 86 of the St Albans District Local Plan Review 1994 (the Local Plan) and the provisions of the Framework. The Policies and the Framework require, amongst other matters, special regard to be given to the desirability of preserving the special architectural or historic interest of listed buildings or their setting; special attention to be given to the desirability of preserving or enhancing the character or appearance of CAs; and development to be of a high standard of design sympathetic to its surroundings.

Trees

15. The garden contains a number of mature trees, all of which are protected by virtue of the CA designation. The trees make a significant and positive visual contribution to the verdant character and appearance of the area.
16. The Council's statement refers to an arboricultural report Ref: 402, however, that relates to a Tree Impact Assessment by Skilled Ecology that was submitted in support of a previous planning application. A new Tree Impact Report by John Cromar's Arboricultural Company Limited dated 21 May 2019 has been submitted to inform the proposal that is before me. This Report has had regard to the location of the proposed development within the site and trees to be retained.
17. The appellant has submitted two plans showing the location of the proposed development within the site and cross sections of the site illustrating where cut and fill would take place. I saw that the land topography of the appeal site slopes and that some earth recontouring is required to provide a level development area.
18. In relation to the Sycamore, to facilitate the development the ground level would require the land to be lowered by less than 1 metre and Plan Ref 1-38-4815/P2 dated 23 May 2019 that supports John Cromar's Report indicates that this would be within the RPA of this tree. The supporting information on that plan advises that excavations shall be made with hand tools only. Any roots encountered shall be trimmed to the edge of the excavation area and this would be done in accordance with British Standard 3998:2010, 8.6. With regard to the Yew tree it appears to me that the ground levels would either remain the same or be raised within the root protection area of this tree. Tree protection fencing would be erected around the development area to reduce contact with retained trees during construction. The Report indicates that controlled, limited-extent, vertical root cutting is of little or no significance to tree health and advises that all trees to be retained can be adequately protected by exclusion fencing and arboricentric methods to reduce impact on the root systems of retained trees.
19. The Council has objected on the basis of the development's incursion into the RPA of both the Sycamore and Yew trees and construction works impacting upon the Yew tree as these activities would be damaging to the health of the trees. However, there is no substantive evidence before me that would indicate that the Council has considered the protective exclusion fencing and arboricentric methods to reduce impact on the root systems as set out in the

new Report that supported this proposal. The Report describes how the trees would be protected and on the available evidence it does not appear to me that that the development would be substantially harmful to these trees and/or negatively impact upon their longevity and/or result in their loss.

20. I note that two separate consents have been granted for works to trees and this has included pollarding of the Lime tree. However, pollarded trees will regrow. Given the maturity and size of the canopy of those trees to be retained seasonal leaves drop and tree debris, along with bird droppings, could create nuisance for future occupiers. However, I do not consider this would be so substantial as to cause unacceptable nuisance. Whilst it is said that the overbearing impact upon the proposed dwellings would lead to fears over tree safety, it is difficult to say with any degree of certainty that this would be so. The Council has raised concern in its third reason for refusal to overshadowing, though this matter is not specifically discussed in the Officer's statement. Based upon the evidence before me, I cannot conclude that the living environment of future occupiers would be substantially compromised in this respect.
21. I find that the proposed development would not significantly increase pressure to remove or undertake works to the trees. For these reasons, I conclude that the proposed development would not materially conflict with Policies 70, 74 and 85 of the Local Plan and the provisions of the Framework. The Policies and the Framework, seek, amongst other matters, development to retain significant healthy trees in CAs.

Other matters

22. The Council cannot currently demonstrate a five-year housing land supply. The Framework sets out that development proposals should be approved except where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 6 to paragraph 11 of the Framework includes policies relating to designated heritage assets. I have found that the proposal would be harmful to designated heritage assets, those being, the listed building and the CA. Therefore, the presumption in favour of sustainable development does not apply in this case.
23. In terms of the standard of residential accommodation to be provided for future occupiers this would accord with National Technical Housing Standards and the development would ensure privacy for its residents. The proposal would also provide sufficient parking provision for the proposed development. However, these are matters that are required in planning terms to be acceptable in their own right and they hold neutral weight for this reason.
24. I have been provided with a list of suggested planning conditions by the appellant. I acknowledge that each would serve a particular purpose most of which are separate to those matter in contention. I do not consider a condition requiring the materials of the development to match the existing building would overcome or mitigate my above design concerns.
25. I note that two earlier planning applications for assisted living apartment development at the appeal site have been refused by the Council. I have been provided with the details of those previous proposals and it is clear that the

design and form of the proposal before me is different to those of previous schemes. Therefore, it can and should be considered on its own merits.

Conclusion

26. Whilst I have found in favour of the appellant in terms of the second main issue, this does not overcome the harm that I have identified relating to the first main issue.
27. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR