

Appeal Decision

Site Visit made on 6 April 2021

by L Fleming BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2021

Appeal A Ref: APP/B1930/W/20/3258842 **80 High Street, Redbourn AL3 7LN**

- 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 R Whitton against the decision of St Albans City Council.
 - The application Ref 5/19/2861, dated 6 November 2019, was refused by notice dated 10 March 2020.
 - The development proposed is change of use to one-bedroom dwelling with associated alterations, including internal reconfiguration works.
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Appeal B Ref: APP/B1930/Y/20/3258844 **80 High Street, Redbourn, AL3 7LN**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr R Whitton against the decision of St Albans City Council.
 - The application Ref 5/19/2873, dated 6 November 2019, was refused by notice dated 10 March 2020.
 - The works proposed are change of use to one-bedroom dwelling with associated alterations, including internal reconfiguration works
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Decision - Appeal A

1. The appeal is dismissed.

Decision - Appeal B

2. The appeal is dismissed.

Procedural Matters

3. Both appeals relate to the same scheme under different but complimentary legislation, I have therefore dealt with them together in my reasoning except where indicated otherwise.
4. An amended drawing¹ was submitted at the final comments stage. This illustrates the proposed shower unit attached to a new stud wall, rather than the existing wall, with a 100mm gap between the two. This relates directly to a matter in dispute and shows only a minor change with the layout otherwise unaltered. I have therefore accepted this drawing and considered it accordingly. I am satisfied that no party has been prejudiced by my approach.

¹ Plan as proposed Drawing No 200 Rev B

Main Issues

5. The main issues are:

- The effect of the proposal on the vitality and viability of the Redbourn neighbourhood centre (Appeal A)
- Whether the proposed development/works would preserve the grade II listed Ackroyds, Bakers, 80 High Street (No 80 High Street) or its setting and any features of special architectural or historic interest that it possesses and whether the scheme would preserve or enhance the character or appearance of the Redbourn Conservation Area (Appeals A and B)

Neighbourhood Centre

6. Saved Policy 54 of the City and District of St Albans District Local Plan Review (1994) (LP) identifies Nos 68-80 High Street as primary shopping frontage in a neighbourhood centre. It says the loss of existing shops will be permitted only in accordance with saved Policy 56 of the LP which in this case is if at least 90% of the built up length of the frontage at ground floor remains in retail (Class A1) uses. Furthermore, saved Policy 56 of the LP also says subject to such, service uses consistent with saved Policy 57 of the LP are appropriate uses.
7. I acknowledge that there are already a number of dwellings on High Street within the primary shopping area. I accept these would have previously been in commercial use and have relatively recently been granted permission to be redeveloped into dwellings. I also note the evidence which formed part of an application² relating to a property in the same primary shopping frontage as the appeal site.
8. However, in this case the appeal property is currently used for mainly storage as part of a bicycle shop nearby and is in a prominent corner position. Whilst I acknowledge the comments of the local estate agent concerning retail trends and the desirability of the appeal property for commercial use, without the appeal premises being marketed as available for such, I cannot be certain that there is no demand for the appeal premises to be used as a shop. Whilst it may already be the case that much less than 90% of the primary shopping frontage is in commercial use, this does not justify the proposal.
9. On this basis, the scheme is in direct conflict with saved Policies 54 and 56 of the LP. These policies are broadly consistent with paragraph 85 of the National Planning Policy Framework (the Framework) in that they seek to define the extent of town centres and primary shopping areas and make clear the range of uses permitted in such locations. However, paragraph 85 of the framework also says, planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites, which these policies do not.
10. Even so, without evidence to the contrary, I must find the proposal would harm the vitality and viability of the Redbourn neighbourhood centre contrary to the aims of saved Policies 54 and 56 of the LP which taken together seek to ensure the new development maintains the vitality and viability of centres. However,

² Council Reference 5/15/3358

as national policy is more permissive of the type of development proposed in this location, I afford the conflict with Policies 54 and 56 of the LP only moderate weight in this case.

Heritage Assets

11. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be given to the desirability of preserving a listed building or its setting and any features of architectural or historic interest it possesses. The same act also requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Furthermore, paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Significance

12. The appeal property forms part of a C16, with C17 alterations grade II listed house and commercial unit. The house is now self-contained and occupied, with the commercial unit in use for mainly storage associated with a nearby bike shop. Located on the corner of High Street it has had a variety of former commercial uses more recently a bakery, coffee shop and a bike shop.
13. It is two storey, timber-framed and brick built with its upper floor plastered. It has timber casement windows, a steep plain tiled roof and timber bow windows on the ground floor with a 20th Century shop front which includes a herringbone brick stallriser, timber pilaster and fascia. The rear and side elevations have been rebuilt with modern brickwork. Inside, very few traditional features are noticeable, other than its layout and an exposed section of the timber framework in the upper party wall between the commercial unit and the dwelling next door. Overall, its significance is founded on its historical uses in its commercial location and its traditional architectural detailing.
14. The CA covers a large part of the village including High Street and the appeal property which are within the High Street and Adjoining Roads Character Area. With reference to this area, the Council's Conservation Area Appraisal³ notes its straightness informed by Roman origins and buildings including modest shops close to the pavement edge. Furthermore, architectural features including sliding sash or casement windows and brick and timbered walls are also noted. Therefore, insofar as is relevant to both appeals, I find the significance of the CA derives from the architectural detailing and the layout of the buildings.

Effect on No 80 High Street

15. The proposal would involve the conversion of the appeal property to a self-contained dwelling, which would have a toilet and new kitchen and living area on the ground floor created by the removal of a modern stud wall. A bedroom and a bathroom would be created on the upper floor, through the installation of a new stud wall. The timber shopfront would be retained.
16. The removal of the existing stud wall and the creation of new separate spaces on the upper floor through a stud wall would be reversible and would not harm the historic fabric of the listed building. However, the installation of a

³ Redbourn Conservation Area Character Statement, St Albans District Council, 2001 reviewed 2011

bathroom on the upper floor would require new hot and cold water supply, drainage pipework as well as ventilation.

17. I acknowledge the amended drawing shows a false stud wall offset 100mm from the face of the traditional timber framing in the upper party wall. However, on the basis of the information before me I am not satisfied, this space would be sufficient to ensure the timber framework is preserved. Furthermore, whilst I note the comments that the proposed services would be run through the rear section of the building and ventilation inserted into the lean to rear roof, any such pipe works, external fixings or alterations to the fabric of the building to accommodate such could be extensive and damaging.
18. The new dwelling would be located on a street corner in a busy high street location. The Council have suggested a condition is imposed requiring a scheme is agreed to ensure insulation and/or double glazing is agreed to ensure acceptable levels of noise and vibration for any future occupiers. With the absence of substantive evidence to the contrary I do not dispute this is necessary. However, any such works, particularly to the windows would also have the potential to harm the historic fabric of the listed building and its overall significance.
19. Thus, without clear details which demonstrate how the services and noise and vibration mitigation if found necessary can be sensitively installed, I cannot be satisfied that the scheme could be implemented without causing harm to features of special architectural or historic interest. Conditions seeking to secure details of such measures, in this instance, would not therefore be appropriate.
20. The Framework is clear in that the level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Without these details I cannot fully understand the proposals impact. I must therefore take a precautionary approach and find the proposal would cause harm to the grade II listed building by failing to appropriately preserve the timber framing evident in the upper floor wall and would also risk harm to other features of architectural or historic interest through service installation associated with the dwelling and any noise or vibration mitigation measures.
21. For these reasons, the proposal would fail to preserve the historic architectural detailing of the grade II listed No 80 High Street harming its significance.

Effect on the Conservation Area

22. The appeal property is prominently located on the corner of High Street which runs through the CA and is an integral part of its significance. For the reasons given above I cannot be satisfied the installation of services and any necessary noise and vibration mitigation would not have noticeable effects which could be harmful to the character or appearance of a traditional building in the CA. It follows, that without evidence to the contrary I must also find the proposal would also therefore fail to preserve or enhance the character or appearance and harm the significance of the CA as a whole.

Planning and Heritage Balance

23. The combined harm I have identified to the significance of the designated heritage assets would be less than substantial. In which case paragraph 196 of

the Framework requires it to be weighed against the public benefits of the proposals, including where appropriate, securing optimum viable use.

24. The proposals would provide a new dwelling where the occupants could easily access services and facilities without dependence on a private car. However, even noting the Council's Housing Delivery test measurement of 63%, this public benefit would be insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage assets. Furthermore, I have also found harm to the vitality and viability of the neighbourhood centre, although only carrying moderate weight, it adds further weight against the scheme.
25. Overall, I therefore find the proposed development/works would fail to preserve the grade II listed building or its setting and any of the features of special architectural or historic interest that it possesses and would fail to preserve or enhance the character or appearance of the CA contrary to the respective sections of the Act and the Framework. It would also harm the vitality and viability of the neighbourhood centre.
26. For the same reasons both appeal proposals would also conflict with the development plan, particularly saved Policies 86, 54 and 56 of the LP which amongst other matters seek to ensure that proposals preserve or enhance the CA and are of an overall character that complements the parent building and the proposals maintain neighbourhood centre vitality and viability.

Conclusion

27. For the reasons given above and taking into account all other matters raised, I conclude that both appeals should be dismissed.

L Fleming

INSPECTOR