



Appeal Decision

Site Visit made on 15 June 2021

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 1st July 2021

Appeal Ref: APP/B1930/W/21/3268078

Land adj. 1 Railway Cottages, Station Road, Bricket Wood AL2 3PE

- 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 Messrs. Bowers, Barnes and Hare against the decision of St Albans City Council.
 - The application Ref 5/20/1207, dated 3 June 2020, was refused by notice dated 3 December 2020.
 - The development proposed is described as, 'erection of two semi-detached dwellings'.
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Decision

1. The appeal is allowed and planning permission is granted for two semi-detached, three bedroom dwellings with associated landscaping, parking and new crossover at Land adj. 1 Railway Cottages, Station Road, Bricket Wood AL2 3PE in accordance with the terms of the application, Ref 5/20/1207, dated 3 June 2020, subject to the attached Schedule of Conditions.

Preliminary Matters

2. While I note the description of development from the application form, I have used the description from the decision notice in the decision above as it is more precise.
3. Since the site is of a modest size and is bound on three sides by built development, it would meet the exception of limited infilling in villages stated at paragraph 145(e) of the National Planning Policy Framework (Framework) and would therefore not be inappropriate development in the Green Belt.

Main Issue

4. The main issue is the effect of the proposed development on the setting of the adjacent Grade II listed Air-Raid Precaution Railway Control Centre and the effect on its significance.

Reasons

5. The site lies adjacent to an Air Raid Precaution Railway Control Centre which is a Grade II Listed Building (LB). The LB is the only surviving example in England of an air-raid precaution railway control centre constructed during the Cold War period. The location of the LB was based on its proximity to London and the railway. Therefore, the significance of the reinforced concrete structure lies in the evidence of the strategic national response to the perceived threat of hostility during this period.
6. Given the close proximity of the site to the LB, it lies within its setting. The site originally formed part of the LB which was located a similar distance from the

existing cottages to the north and the railway station to the south. However, the original LB site has since been partitioned and the appeal site is currently overgrown land, whereas the current site of the LB has mostly hardstanding and appears to be used for storage. Accordingly, while I note the historic association of the site and the LB, the character and appearance of the site has evolved over time such that it appears distinct from the utilitarian character of the LB. Accordingly, the site now provides a neutral contribution to the significance of the LB.

7. The proposal would introduce a semi-detached pair of dwellings on to the largely undeveloped site. Since the proposed dwellings would be roughly in keeping in terms of style, form and height with the terrace of cottages to the north, I agree with the Council that the scheme would not harm the character and appearance of the area.
8. While the erection of dwellings and domestic fencing in close proximity to a military building may be uncharacteristic, this in itself would not necessarily diminish its significance. In this case the setting of the LB has evolved over time, and its significance is drawn from its uniqueness, evidence of national military strategy and proximity to the railway rather than the openness of the appeal site. The proposal would bring built development including a domestic fence significantly closer to the LB than existing.
9. However, the LB would continue to be experienced primarily from the street and near the entrance of the railway station to which it has a closer relationship in terms of historic association. In addition, its tall chimney would still be visible from the street. While I note the evidence relating to the protected doorway, a condition could be reasonably imposed that would control the design of the boundary treatment.
10. Bearing in mind the statutory duty¹ to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, the proposal would not harm the significance of the LB.
11. Consequently, the proposed development would not harm the setting of the adjacent LB and would not harm its significance. Therefore, it would not conflict with Policy 86 of the City and District of St Albans District Local Plan Review Adopted 30 November 1994 Written Statement which requires proposals to preserve the setting of listed buildings.

Other Matters

12. I acknowledge local concerns regarding light and outlook to No 1 Railway Cottages. However, given the siting of the rear elevation of the proposed building, it would not project a significantly greater distance beyond the rear wall of the adjacent dwelling. The neighbouring occupiers of No 1 would continue to receive light and benefit from outlook in most directions from the rear and the garden and would therefore not be unduly affected in terms of light and outlook at the rear of their property. While the proposal would be visible from the window in the flank elevation of No 1, given the distance between the two buildings, the side window would continue to receive sufficient levels of light and benefit from some outlook such that neighbouring occupiers

¹ S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

would not be unduly affected in this respect. Furthermore, given the siting of the proposed windows, the proposal would not harm the privacy of the occupiers of No 1.

13. I also note other local concerns including those relating to trees. While there are protected trees near the site, I am satisfied that the measures outlined in the Arboricultural Assessment would mitigate against any harm. A few trees exist on the site, however one tree and a group of overgrown hedging are proposed to be removed and there is insufficient evidence before me to suggest that removing the tree and hedge would result in harm to the character and appearance of the area.
14. While I also note the concerns regarding wildlife, there is insufficient evidence before me to indicate that the proposal would result in unacceptable harm in this respect.
15. Since the planning application was determined, a subsequent proposal for a detached dwelling on the site was granted planning permission. Since I have not found harm with respect to this proposal, the extant permission has not altered my overall decision.

Conditions

16. I have considered the conditions suggested by the Council. I have made some minor changes to these having regard to the tests set out in the National Planning Policy Framework and the guidance contained in the Planning Practice Guidance.
17. In addition to the standard time limit condition, I have included a condition requiring that the development is carried out in accordance with the approved plans and a condition regarding external materials. This is in the interest of certainty and to safeguard the character and appearance of the area.
18. Conditions relating to landscaping and the Arboricultural Assessment are also necessary to safeguard the character and appearance of the area. The landscaping condition needs to be pre-commencement as it would affect the early stages of construction.
19. A condition regarding the vehicular access is necessary in the interests of highway safety. Given the proximity of the site to the railway and road, conditions regarding noise are necessary to safeguard the living environment of future occupiers. The condition regarding the railway is necessary given its proximity to the site.
20. Given the history of the site, a condition regarding contamination is necessary. Conditions removing permitted development rights in relation to extensions and enclosures are necessary to safeguard the character and appearance of the area.

Conclusion

21. For the reasons given above the appeal should be allowed.

R Sabu INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SR202-OS A, SR102-1; SR102-40 and SR102-50A.
- 3) Prior to commencement of above ground construction work, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the Local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local planning authority and these works shall be carried out as approved. These details shall include:
 - (a) proposed finished levels and contours;
 - (b) means of enclosure;
 - (c) car parking layouts;
 - (d) other vehicles and pedestrian access and circulation areas;
 - (e) hard surfacing materials;
 - (f) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
 - (g) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines manholes, supports etc.);
 - (h) retained historic landscape features and proposals for restoration where relevant;
 - (i) existing trees to be retained;
 - (j) existing hedgerows to be retained;
 - (k) implementation programme.

Details of soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with the plant and grass establishments); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or as otherwise in accordance with the implementation programme agreed with the Local planning authority.
- 5) A Method Statement in relation to impacts on the adjacent railway shall be submitted to and agreed in writing by the local planning authority prior to works commencing on site. Works shall then proceed in

accordance with the Statement so approved. The Statement shall provide the following details:

- a) Details of a suitable trespass proof fence adjacent to the boundary with the railway;
 - b) Details of scaffolding works within 10m of the railway boundary;
 - c) Details of the disposal of both surface water and foul water drainage directed away from the railway;
 - d) Details of ground levels, earthworks and excavations to be carried out within 10m of the railway boundary.
- 6) Prior to the first occupation or use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved site plan drawing number SR 102/40 and SR102/50. Arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 7) Before the use commences a noise assessment shall have been carried out in accordance with BS8233: 2014 Guidance on sound insulation and noise reduction for buildings to establish the potential impact of noise from road traffic and the railway on the proposed development. Sound insulation measures shall be incorporated into the design of the proposed development, so that the indoor ambient noise criteria described in BS8233:2014 are achieved within all habitable rooms.
- 8) The units hereby approved shall not be occupied unless details of the levels of noise and vibration in one of the premises' living room and bedroom and within the external amenity space (post completion of the building works) have been submitted to and approved in writing by the local planning authority. Such details shall be in the form of an acoustic report demonstrating that "reasonable" resting levels of noise attenuation have been achieved in accordance with standards set out within BS8233: 2014 Guidance on sound insulation and noise reduction for buildings.
- If "reasonable" noise levels have not been achieved, the report will detail what additional measures will be undertaken to ensure that they are achieved. These additional measures shall be implemented prior to the occupation of the building in accordance with details so approved.
- 9) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, subject to the approval of the local planning authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared and be approved in writing by the local planning authority before any part of the development hereby permitted is occupied.
- 10) Notwithstanding the provisions of Classes A, AA, B, C, D, E and F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no

enlargement or extension of the dwelling(s) hereby permitted, including any additions or alterations to the roof, and no building or enclosure shall be constructed within the application site without the prior written permission of the local planning authority.

- 11) Notwithstanding the provisions of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be constructed without the prior written permission of the local planning authority.
- 12) Works shall proceed in accordance with the measures set out in Section 5 (Arboricultural Method Statement) of the BS5837 Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement received 21/09/2020. Notwithstanding the contents of the aforementioned document, excavation works within the Root Protection Areas of trees subject of a Tree Preservation Order shall be carried out by air-spade and not hand digging, in ensure that roots are not damaged; and the supervision of the tree protection measures is shall carried out by an arboricultural consultant.

END OF SCHEDULE