



Appeal Decisions

Site Visit made on 9 March 2021

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th August 2021

Appeal A Ref: APP/B1930/W/20/3258271

The Old Church, 48 Verulam Road, St. Albans 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 Ivyring Property Ltd against the decision of St Albans City and District Council.
 - The application Ref 5/20/0299, dated 5 February 2020, was refused by notice dated 4 May 2020.
 - The development proposed is Alterations and change of use from offices to create 5 residential units.
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Appeal B Ref: APP/B1930/Y/20/3258275

The Old Church, 48 Verulam Road, St. Albans AL3 4DH

- 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 Ivyring Property Ltd against the decision of St Albans City and District Council.
 - The application Ref 5/20/0352, dated 5 February 2020, was refused by notice dated 4 May 2020.
 - The works proposed are Alterations and change of use from offices to create 5 residential units.
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Decision

1. Appeals A and B are dismissed.

Procedural Matters

2. The appellants have submitted amended plans in support of the appeal (Drawing Nos 251-009 Revision C 'Existing and Proposed N.E. Elevation', 251-010 'proposed external lighting plan', 251-020 Revision C 'Proposed Lower Ground Floor', 251-022 Revision E 'proposed first floor', and 251-101 'details of replacement window to rear block'), which did not form part of the original planning and listed building consent applications. With cognisance of the 'Wheatcroft Principles', given that the amendments are to the appearance of existing windows and otherwise internal arrangements, interested parties would not be prejudiced were I to consider the proposed amendments.
3. In particular, amended drawing 251-101 shows a revised window arrangement to the modern extension. This generally keeps the original fenestration details and the verticality of the windows, which relate to the verticality of the church windows. Although the Council has not expressly stated so, it appears that it no longer objects to this part of the proposal. I have therefore considered the appeals on this basis and contained my assessment to the remaining elements of the proposal outlined below.

4. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). The main parties have had the opportunity to comment upon the relevance of any of its revised content and I have had regard to any responses received in my decision.

Main Issues

5. The main issues are: -
- whether the proposal would preserve the listed building, known as 'The Old Church', and any features of special historic interest that it possesses, including its setting, and the extent to which it would preserve or enhance the character or appearance of the St Albans Conservation Area (Appeals A and B);
 - whether suitable living conditions would be provided for future occupiers of Plots 1 and 2 of the proposed development, in respect of outlook (Appeal A only).

Reasons

Background, Significance and Setting

6. The Old Church is a former mid-19th Century church, which is Grade II listed and situated within the St Albans Conservation Area (CA). It was originally commissioned by Alexander Raphael, an MP for St Albans and first Catholic Sheriff of London, as a Roman Catholic Church, but its construction stalled following his death in 1850. Charles Parker designed it as a copy of St Raphael in Surbiton, which he also designed for Raphael, but it was likely completed by Sir George Gilbert Scott to suit its intended use as an Anglican Church, and finally consecrated in 1859.
7. The building is a substantial ashlar finished structure designed in the Italianate style and raised on a high plinth. The distinctive campanile is the showpiece and is arranged in three stages, with a second plinth, pilasters at the corners, bracketed bands and a heavy cornice and triple-arched openings to the upper stages. The openings to the middle stage have Tuscan capitals which match the windows of the clerestory, and the larger belfry lights have Corinthian capitals. The roofs are shallow-pitched with heavily bracketed eaves and the windows are round-arched throughout with those to the aisles in three pairs of stone mullion windows in an Italian Renaissance style with foliated capitals.
8. The appellants suggest that the style was typical of Catholic Churches of the era, due to its cost and adaptability, and atypical of Anglican Churches, which makes its design more unique.
9. The church was deconsecrated in 1975 and subsequently used as a recording studio until planning permission and listed building consent were given for its conversion, alteration, and extension to accommodate offices¹. This created three floors within the building, with a horizontal division through the nave and aisles to create the first floor supported by separate concrete columns, and a separate floor in the clerestory. Each floor being subdivided with partitions.
10. The main parties agree to what constituted the approved works and that the works undertaken to subdivide the building do not appear to follow the

¹ Planning References: 5/1983/0876 and 5/1983/0877.

approved plans. Based on the evidence before me, it is uncertain whether these were latterly approved by the Council but, were I to accept that the works shown on those plans were the only works approved, then the implemented scheme is evidently different.

11. Rather than being set back to the internal wall of the archive above, the false ceiling to the ground floor is positioned in close proximity of and insensitively bisects the stained-glass windows in either aisle, which the appellants accept. The former would have allowed the full height of the windows to light the ground floor. Three separate subdivided offices have also been created, one to either aisle adjacent to the campanile and another in the nave. The two-storey side and rear extension to the building is also of a wholly different appearance and includes a courtyard next to the passage serving the former vicarage.
12. The list description identifies that the building has group value with the former vicarage, which is separately Grade II listed, as 'Christ Church Vicarage'. This contributes to the significance of the Old Church, as a building associated with its historic function as a church and was previously linked to it by the, now sealed, passageway. The separation of the modern extension to the church from the passageway therefore retains evidence of the previous link between the buildings.
13. The campanile also remains largely intact inside, including a staircase up from the vestibule to the historic gallery level, but is no longer used as an entrance and the area immediately beyond the vestibule is underutilised as a storeroom, which restricts passage through into the building. The building is now accessed from the southeast side, through the modern extension, into one of the vestries that flanked the chancel.
14. The nave and aisles were originally separated by slender Ionic columns, many of which are still evident within the large office space present at ground floor. Together with the stained-glass windows, these surviving features ensure that there is some legibility of the 3-bay arcade of the building and its former use. Nevertheless, I accept that the historic floorplan and the central volume of the nave and aisles has been somewhat compromised by the subdivision and the loss of original fixtures and fittings.
15. The spaces created to form the offices are of no architectural merit and largely conceal the surviving intact architectural features and detailing of the building. In particular, the suspended ceiling to the aisles includes a void which currently accommodates archive storage. The tops of the traceried windows of the aisles, the arch soffits carved with foliage panels, and the blind oculi above, are all visible from these rooms, but service runs are threaded through the oculi. The clerestory also provides visibility of the arcade-style windows and heavily cut brackets and bosses of the roof.
16. The former chancel remains an important element of the building, as its full height and extensive detailing, including a moulded plinth, intricately decorated capitals, and Corinthian windows with stained glass can still be appreciated. However, an insensitive and rather cumbersome open tread staircase is located here. While this serves as an important method of circulation to the upper floors, it is unsympathetic to the function of a chancel as a sanctuary space.
17. The two-storey extension added to the church accommodates two floors of offices at ground and lower ground floor levels. While the architectural

appearance of the extension is sympathetic to the listed building, it is wrapped around the side and rear of the church and has disrupted its historic floorplan layout. As it is largely separated internally, it functions as a self-contained element, so it does not contribute to the architectural or historic interest and, thereby, the significance of the listed building.

18. For the most part, the works to undertake the conversion to office accommodation are not generally evident externally and the building retains the appearance of an active church. This is principally through the retention of original features such as the large oak double doors to the vestibule and stained-glass windows, but the floorplate is evident through the windows.
19. In light of all of the above, despite modern alterations to the listed building, which emanate from its late 20th Century conversion to offices, it remains of architectural and historic interest today as a high quality example of a Mid-19th Century former Anglican church designed in an ornate Italianate style with an ashlar exterior and adorned with fine detailing both internally and externally. While the structure is intact, much of the internal detailing has been obscured by the insertion of the internal structure for the office conversion, which has also had a detrimental impact on the legibility of the building as a former Anglican church. The internal features and spaces therefore make a lesser contribution to the significance of the building, relative to the exterior.
20. The CA is extensive and includes the city's historic core. It incorporates a rich variety of building styles and uses. Indeed, the Conservation Area Character Statement² (CACS) suggests that the built environment of the city is generally of high quality buildings from the various periods of its development, which presents a rich tapestry of its history, significance, and character.
21. The site is situated within the Verulam Road Character Area, which is situated to the northwest of the city centre and the CA. Verulam Road was formed in the first half of the 19th Century, as part of the London to Holyhead coach route commenced by Thomas Telford in the late 18th Century. However, the advent of the railways meant this was short-lived and the road became a desirable residential area. Its roots are in the Regency period, with numerous grand and visually dominant buildings surviving, the style of which is repeated in the smaller Victorian terraces found in the area. The areas around Upper and Lower Dagnall Street were originally developed in the medieval period and many of the character area's listed buildings are situated here, but the architecture and scale of buildings of the latter are consistent with Verulam Road.
22. Together with the mature hedges and trees found within the streets, the large open green spaces north and south of the road create a verdant and landscaped setting to the buildings, which makes an important contribution to the area.
23. As far as it is relevant to this appeal, the significance of the CA is principally derived from the contribution made by the predominantly high quality of the architecture and townscape through the variety of the buildings, landscaped spaces, and planting within it. The quality of built development in the character area is perhaps best illustrated by the exceptionally high proportion of buildings that are either listed buildings or locally listed. These are principally residential in use, including the Verulam House Nursing and Residential Home to the east.

² St Albans City & District Council Conservation Area Character Statement for St Albans (2016).

24. The Old Church is an impressive Italianate building and forms an imposing landmark within the CA, particularly its campanile. It therefore makes a significant architectural contribution to the townscape qualities of the CA and, thereby, its understanding and significance. It also provides evidence of the city's residential expansion in the Regency period, as the needs of the growing population were catered for by the construction of the church. The height, visual prominence, and aesthetic value of the large Cedar tree at the site frontage also contributes positively to the character and appearance of the CA.

The Proposals

25. The proposal is for five units in total, Plots 1 and 2 of which would be split over the ground and first floors of the former church building. Plot 1 would be accessed from the vestibule and include the campanile; it would be separated from Plot 2 by a new vertical subdivision after the second window on each flank elevation. A non-reflective glass balustrade would be added to the openings in the belfry of the campanile, as fall protection; and its existing felt roof would be replaced with lead.
26. Plot 2 would be accessed by the side entrance hall and include accommodation at ground floor to the western side of the former chancel and passageway which previously joined the church to the vicarage. The first floor would be lowered and inset from the windows, with the space opened up to the historic ceiling in the aisles by removing the archive spaces to either side.
27. Plot 3 would take up the whole second floor and be accessed by the side entrance hall and a replacement spiral stair and lift situated within the chancel. The existing single-glazed timber-framed windows in the clerestory would be replaced with dark-coated metal frames with double glazing.
28. There would also be general repairs to stonework, rainwater goods, roofing, and the redecoration of leaded lights on the main building.
29. Plots 4 and 5 would each occupy a floor within the modern extension. The single-glazed curtain walling to the south-east elevation would be replaced with slimline black aluminium double-glazed curtain walling, incorporating casement doors. At the opposite end, the single-glazed frameless glass facing the courtyard and chancel of the church, would be replaced with slimline black aluminium double-glazed curtain walling, incorporating casement windows.
30. The extent of hard surfacing within the forecourt of the building would be reduced and new soft landscaping and seating areas added, with screen enclosures. The existing lower-level patio to the southeast of the extension would be enlarged through excavation of land immediately in front. The access to the site would be enclosed by an electric sliding wrought-iron gate, set back of the existing piers. Secure cycle and refuse storage would also be provided in a building adjacent to the access.

Effect of the proposals on the listed building and conservation area

External fabric of the former church

31. Given that the belfry of the campanile would be accessed by a ladder similar to that found in lofts, I do not share the Council's concerns that it would be so vulnerable to domestic paraphernalia that it would harm its landmark qualities. The re-use of this space would also negate the absence of the church bell.

Nevertheless, the proposed non-reflective glass balustrade would appear to be a disproportionate response to fall protection during maintenance, particularly as it would still be likely to be evident through the openings of the belfry from the surrounding area. I would therefore have expected other simpler and more discreet solutions to have been considered rather than this approach.

32. The timber window frames to the northwest vestry incorporate detailed mullions and transoms, and the round window above the vestibule and the windows at clerestory level also appear to have detailing to their framing. They are all single glazed and white painted and, although they are likely to have replaced other windows, they still add visual interest to the building exterior. There are no details of the proposed replacement windows, including the profile, but they would be dark metal frames. While this would have similarities with the dark metal-stained glass elsewhere and the appellants suggest that the framing would be thin, there are no indicative details of what could be provided. I have therefore taken a precautionary approach that these could be significantly thicker and flatter in profile and thereby harmful to the character and appearance of the listed building.
33. Given the prominence of the campanile, the removal of the existing non-traditional felt roof and its subsequent replacement with a lead finish would make a positive contribution to the external appearance of the building and protect its fabric from water ingress. This would, in turn, make a positive contribution to the character and appearance of the CA.
34. Insulation would be added to the other roofs of the former church building, which would result in a modest increase in the eaves height of the roofs. However, this would follow best practice guidance, so would not be harmful.

Internal subdivision of the former church

35. I acknowledge that the horizontal subdivision of the building undertaken in the 1980s has had a harmful effect on the listed building, but it has not created separate units and the accommodation remains in the same ownership. In any event, based on the evidence before me it appears that the implemented scheme differs from what was consented by the Council.
36. The proposals would continue to subdivide the building horizontally, with a new first floor installed closer to the height of the current false ceiling to the ground floor. The new floor, the voids therein and the use of glazed partitions and balustrades would enable the full width of the former nave and aisles to be experienced in Plot 1, thereby improving visibility and the penetration of light across the building. These alterations would also increase visibility of previously obscured internal fabric, particularly the decorative arches and column capitals. While these would amount to benefits, the horizontal subdivision at this level would be more permanent than the false ceiling, which is inherently a more reversible alteration.
37. The existing vertical subdivision of the building is primarily through stud walling and glazing which would be more straightforward to reverse. By contrast, the proposal would be divided vertically with party walls between the units, which would cross the entirety of the nave, aisles, and chancel. The existing division of the chancel and the toilets and the access stairs therein would be removed but alternative spiral staircases introduced to maintain vertical circulation for Plots 2 and 3. The latter would also be served by a lift shaft that would rise

between the roof trusses and beams of the chancel. Although this would not require a pit and would be unlikely to directly impact on historic fabric, together with the spiral stair and cloak room, it would be an alternative physical and visual intrusion into the chancel, which would remain separated from the remainder of the building.

38. The original staircase to the organ loft would be retained open in the vestibule but blocked at first floor in the bathroom to Plot 1. Although this is not a practical staircase for access due to its width and gradient, there is little justification before me for expunging its use in the proposal and severing the only historic vertical circulation route remaining in the building, which would be harmful to the significance of the listed building.
39. Conversely, the proposed floor would be behind the stone detailing above the entrance door and well below the circular window above it. The second floor above would only be partially glimpsed through the window, which would not result in harm to the external appearance of the building.
40. The proposed partitions for the stairwell for Plot 1 would be in a similar position to the existing partitioning at ground and first floor, but the storage and plant cupboards in the original vestibule of the church and the proposed stairwell would constrain these spaces and conceal the floor plan and original fabric of the building, including the window reveal to the entrance. There would also be similar partitioning of the entrance hall to Plots 2 and 3, but a more substantial party wall would need to be installed for a cupboard for Plot 2. Furthermore, while the removal of partitions that intersect the decorative roof timbers in Plot 3 would reveal their detailing, the proposed replacement partitions would dissect the decorative moulding and framing of the window openings.
41. The subdivisions of the building are perhaps an expected consequence of the proposal for separate units of accommodation within its volume but they would, nevertheless, be unsympathetic and harmful to the significance of the listed building, particularly to the liturgical contribution made by the chancel. While the party walls would be of lightweight construction and replace some masonry divisions, the possibility of the subdivision being reversed would be limited, especially given that the units would be likely to be in separate ownership.

Other Internal Alterations

42. The application drawings indicate that insulation would be added to the internal face of all external walls and between the floors, and a new ground floor covering with underfloor heating. However, a significant part of the charm of this building is the extent of detailing around openings and to ceilings, which includes the relief and projection created by the changes in surfaces, most of which would be likely to be lost with the build-up that would be created through the inclusion of the proposed insulation. Furthermore, there is no substantive evidence before me that other techniques have first been explored to improve performance of the building or their suitability to the long-term condition of the fabric of the building.
43. The existing office use of the building is served by air conditioning and heating, with associated plant respectively located in the rear courtyard and boiler room. There are also electricity runs throughout the building. While the existing layout and configuration of the building includes false ceilings in which some of these are able to be hidden from view, much of the electric and other cabling

has been added thoughtlessly through historic fabric, particularly in the archive rooms.

44. A centralised heating system would again be located in the boiler room and new venting would have inlet and outlets in the courtyard. Nevertheless, other than the width of ducting and a suggestion that existing services runs will be used as much as possible, there are limited details of the proposals to accommodate the servicing requirements for heat, ventilation and extraction, water, electricity and/or gas in individual units, particularly given that subdivision would be dealt with differently in the proposed development and there would be fewer options to accommodate services. The absence of information to establish the right location for services does not give me confidence that it would be possible to accommodate these without harming the historic fabric of the building.
45. Notwithstanding the above, the alterations to the floors of the building would not result in the loss of historic fabric as the ground floor was damaged and largely replaced when the building was converted in the 1980s; and I note that soil vent pipes would be internalised and use existing connections under the floor of the building, so these would not result in harm to the building.
46. The proposal would internalise an open recessed area created between the extension and former church, next to the boiler room. Modern masonry would be removed to facilitate access beyond it and a new louvred door added to the courtyard exterior. While this would change the relationship between the building and the courtyard, these would be minor alterations that would be acceptable given their extent, appearance, and context. Furthermore, the boiler room door would not be removed as it is required for fire separation to new plant to be located in this room. The other internal and external alterations to the extension, including the increased size of the sunken area to its foreground would be acceptable due to the form and appearance of the extension and their relationship with the listed building. These elements of the proposal would therefore not harm the significance of the listed building, including its setting.
47. The application drawings indicate that the door, from the passageway to the former vicarage into the rear courtyard, would be removed and the opening blocked. The appellants' Appeal Heritage Statement suggests this can be retained and blocked shut, but no details of how this would be achieved have been submitted with the appeal and it would not be appropriate to use a condition to change the nature of the works shown on the drawings. There would also be another doorway blocked internally, northwest of the chancel. While both openings would remain legible, the additional disruption to the floor plan of the building would add to my concerns in relation to the layout of the proposal.
48. The existing hatch from the second floor into the loft of the campanile would be sealed and replaced with a new hatch central to the proposed kitchen in Plot 3. This is likely to result in the loss of original fabric, which would be harmful to the significance of the listed building.

External Grounds of the Building

49. The amount of hard surfacing within the carpark would be reduced, with resin bonded gravel used in those areas left and soft landscaping added to the

remainder. These would, of themselves, be beneficial changes, but the landscaped area would be predominantly arranged as an external space for occupants of the development and include seating areas, paving and screen fences. While these would be positioned below the Cedar tree and beyond planting, so would not be overtly prominent, the enclosure of the frontage of the building would disrupt views toward the largely unaltered and symmetrical front elevation of the building and formalise the domestic use of the building.

50. The evidence before me is not conclusive as to whether the Church was ever gated, but the presence of gates to church grounds is commonplace, so enclosure of the access is appropriate. Although the proposed sliding gate would not be tall, it would be arranged in a single continuous and uninterrupted form that would entirely close the relatively wide access. It would therefore add to the formal enclosure of the church foreground. I appreciate that there may have been unauthorised parking in the site, but there is no substantive evidence before me to suggest that other means of prevention would not continually be equally as effective.
51. The proposed bin and cycle store would be constructed in brick, with stone band courses but, given its proximity to the site frontage, its scale and height would be prominent in views from the street and it would stand out as a crude appendage within the predominantly open foreground of the former church. I appreciate that there is existing planting in the foreground, which could be added to with further planting. Nevertheless, it would be unlikely to mitigate against the presence of the permanent store, which would be more visually prominent than the existing open storage of bins at the site frontage.
52. Due to their position to the foreground of the former Church, these proposed features would have an adverse impact on its setting and the character and appearance of the CA.

Public Benefits and conclusions on the first main issue

53. The statutory duties in Sections 16(1), 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) are matters of considerable importance and weight. Paragraph 197 of the Framework states that the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation should be taken into account in determining applications. Paragraph 199 of the Framework also advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Furthermore, paragraph 200 of the Framework advises that significance can be harmed or lost through the alteration or destruction of those assets and that this should have a clear and convincing justification.
54. The proposal would be harmful to the special historic interest of the Grade II listed building, including to its setting, and the character and appearance of the CA. This would have a negative effect on the significance of these designated heritage assets.
55. I note that the listing description states 'this building remains of special interest despite conversion because of its Italianate ashlar exterior and intact structure', but this does not mean that the internal form and fabric of the listed building does not have some importance. Nevertheless, given the extent of harm already caused to the building by the previously consented conversion, in

my view the harm that I have identified, including the potential loss of historic built fabric, would equate to less than substantial harm to the significance of these assets. In such circumstances, paragraph 202 of the Framework identifies that this harm should be weighed against the public benefits of proposals, which includes the securing of optimal viable use of listed buildings.

Optimum Viable Use

56. The Old Church was declared redundant in 1975 and has been in its current office use since the early 1980s. While the leases of the occupiers have expired, the building continued to be occupied at the point of my site visit. In spite of this, I accept that layout and accessibility of the building mean that it would be unlikely to achieve the same higher environmental standards of newer office buildings, particularly for the health and well-being of staff. Furthermore, I note that the loss of an office use would not, of itself, conflict with the development plan and would be likely to yield improvements to the noise environment for neighbouring occupiers.
57. Although these factors could affect the viability of the office use, there is no substantive evidence before me specifically in relation to the economic viability of either the existing or proposed use. I am also mindful that the optimum viable use of a listed building should take into account the nature of the building and its features of significance. Given the characteristics of the impacts associated with the approach of the appeal proposal to residential use, it would not demonstrate that this would represent the optimum viable use of the listed building. I therefore afford this benefit limited weight.

Other Benefits

58. The felt roof of the campanile would be removed and replaced with a traditional lead finish. The new position of the first floor and the voids created between would open up more of the volume of the nave and aisles and visibility of previously obscured internal fabric, including carved foliage in arch soffits, traceried windows, vaulted ceilings, and column capitals. These would amount to heritage benefit of considerable weight.
59. Lighting of the building would provide increased visibility of its exterior, which would emphasise its special interest and contribution to the CA. There would likely be a reduction in the level of activity from the existing commercial use in comparison to the proposed residential use. Furthermore, the additional soft landscaping and reduction of hard surfacing within the forecourt of the building would, of themselves, be visual improvements. These would constitute heritage benefits of moderate weight.
60. The 2020 HDT results indicate that delivery in the District over the previous three years is 63% of the housing required. While the Council has been able to demonstrate increased delivery from 2019, the appellants have indicated that the test illustrates consistent shortfall of housing delivery in the District. This together with the withdrawal of the Council's Emerging Local Plan adds further weight to the delivery of additional housing within the District. The appeal scheme would help to address this position and, being a small scheme, with net provision of five units, it could be built-out relatively quickly. The contribution to the supply and mix of housing would be modest in its extent but, given these factors and the national requirement to boost the supply of housing, this would be a social and environmental benefit of moderate weight.

61. I recognise that the proposal would be situated within an appropriate location for housing being within walking and cycling distance of the services, facilities, and employment opportunities, including bus and rail services. These would amount to social and economic benefits of moderate weight.
62. The use of glazed partitions and balustrades would increase the penetration of light across the building and provide the opportunity to experience elements of the detailing of the building from the void in Plot 1. This benefit would only be experienced by the occupants of Plot 1 and visibility would only extend to part of one bay of the building, not to the full original height of the church. Moreover, the second-floor floorplate would remain and the vertical party wall would dissect the nave, thereby limiting the impact of this change, as it would not enable the rhythm created by columns and arches, or the volume and use of light of the wider building to be appreciated. This means that I can only afford this heritage benefit, at best, modest weight.
63. The existing half-turn staircase within the chancel would be replaced by a spiral stair and a lift shaft, and the WC would be removed in its entirety. Although this would allow for greater appreciation of the chancel, particularly its fine stained-glass windows, and would improve accessibility to the top floor of the building, these benefits would only be appreciated by the occupants of Plot 3 and the space would continue to be breached. The new doorway into the chancel would also reinstate a historic opening but would only do so to provide access to Plot 2 and would lead to an awkward subdivision of the chancel. While the vestibule would be reactivated as the entrance to Plot 1, it would be subdivided to provide cloakrooms. For these reasons, these would only constitute heritage benefits of limited weight.
64. The proposal would improve the energy efficiency of the building through the introduction of floor and roof insulation, which would minimise consumption of energy, but this would only amount to an environmental benefit of limited weight.
65. While wall insulation could be added to areas where there are no decorative features, this reduces its effectiveness as most walls include some detailing, including simple changes in the plane of the walls through reveals and projections, skirting, cornices, arches, and door jambs. The replacement of some existing single-glazed frames with new metal-framed double-glazed windows would also improve efficiency of the building but there is no certainty over the design of their replacements. These environmental benefits would therefore only be realised by obscuring or removing existing sympathetic fabric, so would, at best, be afforded very limited weight.
66. Access to the bell tower would be altered from within Plot 3. Although this would enable appreciation of the important ecclesiastical space therein, the new access would be likely to result in the loss of historic fabric, so this heritage benefit would be given very limited weight.
67. The reconfiguration of the internal spaces would enable the accommodation situated at first floor to receive natural daylight and the enlargement of the existing lightwell serving the extension to the building would improve daylight to its lower floor. I note that the Council did not identify any harm in this respect and there is no evidence before me which would lead me to a different conclusion. The proposal would also lead to the repair of stonework, rainwater goods and slate roofing, and the retention of other historic architectural and

decorative elements, but it is doubtful whether the proposal would need to take place for these to happen. These would therefore equate to neutral factors which would neither weigh in favour or against the appeal scheme.

68. Taking the above together, the public benefits I have outlined above would not justify allowing works and development that would fail to preserve the special historic interest of the Grade II listed building, including its setting, and fail to preserve or enhance the character and appearance of the CA. Therefore, in accordance with paragraphs 199 and 202 of the Framework, considered together, I conclude that the public benefits do not outweigh the great weight to be given to the less than substantial harm that I have identified.
69. I therefore conclude that the proposal would fail to preserve the special historic interest of the listed building, The Old Church, including its setting; and fail to preserve or enhance the character or appearance of the St Albans Conservation Area. Hence, the appeal proposal would fail to satisfy the requirements of the Act, paragraphs 197, 199 and 200 of the Framework and conflicts with the design and heritage aims of Policies 85, 86 and 88 of the Council's Local Plan³.

Outlook (Appeal A only)

70. Apart from some of the windows found at second floor, the majority of the windows within the principal former church building are leaded with frosted glass. Most of the proposed accommodation within Plots 1 and 2 would therefore be served by opaque windows.
71. The appellant has suggested that individual leaded lights could be removed within six of the windows on the flank elevations of the building and replaced with clear glass. The indicative approach to this is included within their appeal documents and could relate to windows on the ground and first floor. Even if I were to accept that this approach would not have a harmful effect on the appearance and significance of the listed building and an acceptable standard of outlook could be provided at first floor, the same could not be said for the ground floor. Moreover, the existing windows at ground floor are positioned at a high level, meaning that outlook would be likely to be at a high level above the horizontal. The outlook from the ground floor would therefore be of an inadequate standard, which would be harmful to the living conditions of future residential occupiers of the proposed development.
72. I appreciate that the architecture and history of the building, particularly its ecclesiastical connection, would be unique characteristics that would be more likely to appeal to occupiers with such interests. Nevertheless, this would not obviate the need for an acceptable standard of outlook from the ground floor of the building.
73. In light of the above, I conclude that suitable living conditions would not be provided for future occupiers of Plots 1 and 2 of the proposed development, in respect of outlook. Hence, the proposal would fail to achieve a high standard of living conditions for future occupiers as required by paragraphs 119 and 130 of the Framework.
74. I have not found against Policy 70 of the Council's Local Plan, as it does not contain reference to the standards of outlook (or other similar terminology) from new developments.

³ City and District of St Albans District Local Plan Review (Adopted 30 November 1994).

Other Matters

75. The appeal property is immediately to the west of Dioresan House and is linked to Christ Church Vicarage, both of which are designated as Grade II listed buildings. I have therefore had regard to the statutory duty referred to in the Act. However, given the nature and extent of the proposed works and their physical relationship with these designated assets, their settings will be preserved and the proposal will not detract from them.

Planning Balance

76. The development plan for the area comprises the Council's Local Plan, which predates the current Framework. However, the Framework makes it clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them according to their consistency with the Framework. Despite the absence of a balancing exercise in relation to heritage harms in Policies 85, 86 and 88, these policies are generally otherwise consistent with the heritage aims of the Framework. However, given this absence, I only afford considerable weight to the conflict of the proposal with these policies.
77. Given that the Council's housing land supply position, paragraph 11 of the Framework would be engaged but, in light of the heritage harms I have identified, paragraph 11d) i) of the Framework would apply. The application of policies in the Framework that protect areas or assets of particular importance therefore provides a clear reason for refusing the proposed development, so the presumption in favour of sustainable development does not apply.
78. I have already identified the benefits of the appeal scheme as part of the assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage assets. Furthermore, the absence of harm in respect of other considerations which comply with the policies of the development plan, including the living conditions of neighbouring occupiers, highway safety and parking provision, would neither weigh for nor against the appeal scheme. In terms of harm, the proposal would not comply with development plan policy in respect of harm to the special historic interest of The Old Church, including to its setting, the character and appearance of the CA, and suitable outlook would not be provided for future occupiers of Plots 1 and 2.
79. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and I find that the adverse impacts of the proposal are matters of significant weight against the grant of planning permission.

Conclusion

80. The proposal would be contrary to the development plan and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Accordingly, for the reasons given, I conclude that the appeals should not succeed.

Paul Thompson

INSPECTOR