



Appeal Decision

Site visit made on 1 February 2022

by **S Edwards BA MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 September 2022

Appeal Ref: **APP/B1930/W/20/3263521**

67 St Peters Street, St Albans AL1 3EA

- 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 M Quinn (Aldenhams Residential Property Development) against the decision of St Albans City & District Council.
 - The application Ref 5/20/0278, dated 31 January 2020, was refused by notice dated 17 June 2020.
 - The development proposed is 'Redevelopment of the existing building to provide 24 one and two bedroom flats, including the construction of 3 additional storeys, retention of the existing ground floor retail unit (Class A1) and a flexible retail/leisure use (Class A1/Class D2) in the existing basement'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans (Ground Flood Plan as Proposed – Ref. 1541-JSA-XX-00-DR-A-02202 Rev P6 and Cycle and Refuse Stores as Proposed – Ref. 1541-JSA-XX-00-DR-A-09001 Rev.P2), which did not form part of the planning application determined by the Council, were submitted as part of this appeal. These include minor changes to the refuse and cycle storage arrangements. Having regard to the Wheatcroft principles, I consider that these changes would not fundamentally alter the nature of the development previously consulted upon and determined by the Council. As such, I am satisfied that my consideration of these amended plans would not prejudice anyone's case in the appeal. I shall therefore determine the appeal on the basis of the submitted drawings, together with the amended plans.
3. A signed Unilateral Undertaking (UU), pursuant to Section 106 of the Town and Country Planning Act 1990, and dated 24 March 2021, has been submitted during the course of the appeal. The UU, which would take effect should planning permission be granted, would secure the provision of affordable housing, as well as a number of financial contributions, which I will return to later in this decision.

Main Issues

4. The main issues are whether the proposal would preserve or enhance the character or appearance of the St Albans Conservation Area and preserve the special interest of the Grade II* listed Church of St Peter, as derived from its setting.

Reasons

St Albans Conservation Area

5. The appeal site comprises a large twentieth century building covering most of the plot, which presents a 2-storey element with flat roof onto the St Peters Street frontage, and includes a 3-3.5-storey addition towards the rear of the site, with a small service yard and an access onto Drovers Way. The ground floor premises were last occupied as a shop and, at the time of my visit, remained vacant.
6. The site lies within the St Albans Conservation Area, which owes much of its special interest to its rich collection of attractive buildings reflecting subsequent phases of development and thus giving a strong sense of history, significance and character to the city. No 67 St Peters Street lies within the commercial precinct of St Albans, which displays diverse architectural styles in the form of Georgian, Victorian and Edwardian buildings, as well as earlier and later additions. This is a wide street, which is predominantly lined either side with two- to three-storey buildings and mature trees. The restrained scale of the buildings fronting St Peters Street emphasise the visual dominance of the Church of St Peter's and the Town Hall as prominent historic buildings.
7. The Council has raised no objection to the demolition, which is considered to be of little architectural merit. There is no doubt that the redevelopment of the site could represent an opportunity to enhance the character and appearance of the Conservation Area. That said, the building's frontage remains unobtrusive within the street scene, by reason of its modest scale.
8. The appeal scheme would result in a significant intensification of development on the site, as the existing building would be replaced with a substantially larger structure comprising, from the first floor up, two separate blocks arranged around a central courtyard. There would be a three-storey element with a recessed fourth storey, and a substantial five-storey block towards the rear of the site.
9. Despite being set back from the St Peters Street frontage, the excessive bulk and massing of the four-storey element, which would be designed with a flat roof and extend across the full width of the building's front elevation, would be widely visible within the public realm and detract from the prevailing pattern of development in the surrounding area. The undue prominence of the development within the street scene would be emphasised further by the extensive areas of glazing and Juliet balcony balustrades, which would compound the overtly four-storey scale and top-heavy nature of this element.
10. Furthermore, the squat proportions of the commercial premises at ground floor level would harmfully contrast with the elevational treatment and vertical emphasis which characterise the upper floors. This would be exacerbated by the detailed design of the ground floor element which, rather than providing a visual contrast to break up what is otherwise a largely monotonous façade, would compromise the hierarchy of the front elevation. The incongruous nature of the development and its erroneous proportions would be particularly evident within the street scene, by virtue of the contrast which the replacement building would create with its immediate surroundings.

11. The excessive bulk, massing and height of the development towards the rear of the site would be evident in public views and from neighbouring properties. Block B would appear as an unsympathetic and abrupt transition with the buildings fronting St Peters Street in particular. Despite the use of various materials and features to add interest to the different elevations, these would fail to provide sufficient contrast. The articulations which the scheme has sought to introduce would appear far too subtle and, as a result, the building would largely appear as a substantial monolithic block with regimented fenestration, which would be detrimental to the visual interest of its surroundings.
12. My attention has been drawn to other developments of greater height, notably at nos 57-59 St Peters Street. However, this building includes a recessed mansard roof with subservient dormer windows, which assist in reducing the visual impact of this element and thus its prominence within the street scene. Additionally, I note that many of the schemes referred within the appellant's submissions related to corner plot developments where, subject to detailed design considerations, buildings of a greater scale can generally be accommodated more successfully. These include the redevelopment of the adjacent site at nos 61-65 St Peters Street, which has recently been allowed on appeal. However, I do not have the full details of this particular scheme and, despite its proximity to the appeal site, cannot be certain that it represents a direct parallel to the proposal before me.
13. For the foregoing reasons, the proposal would fail to preserve the character and appearance of the St Albans Conservation Area as a whole, and would therefore conflict with Policies 2, 69, 70 and 85 of the City and District of St Albans District Local Plan Review¹ (LP). Amongst other things, these Policies seek to ensure that development proposals achieve a high standard of design, taking into account the scale and character of its surroundings, and enhance or preserve the appearance of the conservation area. The development would not be well designed and, in accordance with paragraph 134 of the Framework, should therefore be refused.

Effect on the skyline and the setting of the Church of St Peter

14. The appeal site lies within the Building Height Control Area where, as set out in LP Policy 114, proposals shall be compatible with the local roofscape and not break the skyline or mask a number of skyline features, including St Peter's Church Tower. Insofar as is relevant to this appeal, the significance of the Church of St Peter resides primarily in its architectural and historic special interest as a high status ecclesiastical building. By virtue of its scale, height and position on high ground, the Grade II* listed Church is a prominent feature in the surrounding townscape. For these reasons, its wider setting also makes a very important contribution to the significance of this designated heritage asset.
15. The appellant's submissions include views of the historic roofscape taken from different viewpoints. Whilst some of the images are of somewhat poor quality, it is nevertheless clear that from several viewpoints, the development is unlikely to be visible. Some of the Accurate Visual Representations show that the development would break the skyline, but the incursion would remain modest within the context of this historic roofscape. Landmarks such as the

¹ Adopted 30 November 1994.

tower of the Church of St Peter and the Abbey would remain as the dominant historic features within this sensitive skyline, which contribute to the special interest of the Conservation Area. It follows that the wider setting of the Church of St Peter would not be harmfully compromised, and the significance of this designated heritage asset would therefore be preserved. No concerns have been raised in respect of the significance of nearby listed buildings, and there are no reasons for me to disagree with this view.

16. Given the above, I am satisfied that the development would not unduly stand out in views of the historic roofscape of the Building Height Control Area, and would not harmfully compete with the Church of St Peter's Tower as an important skyline feature. The development would consequently preserve the special interest of this Grade II* listed building, as derived from its setting. Accordingly, I find no conflict with LP Policies 2, 69, 70, 85 in these particular regards, or LP Policy 114.

Planning Obligation

17. As noted above, the appellant has submitted a signed and dated UU, which would secure the provision of three affordable flats in the form of rented accommodation. This is considered acceptable by the Council and, on the evidence before me, I am satisfied that the UU would appropriately secure the provision of affordable housing as part of the development, and meet the requirements of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.
18. The UU also includes financial contributions towards parks and open space, play area and leisure and cultural centre financial contributions. Having regard to the available evidence, I am satisfied that these contributions are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.
19. The submitted UU, in respect of the contributions referred to above, would therefore meet the requirements set within paragraph 57 of the Framework and the tests in Regulation 122 of the CIL Regulations 2010. On this basis, the appeal scheme would make adequate provision for affordable housing and other infrastructure, and would therefore accord with LP Policies 7A and 143B. These seek to ensure that new proposals make provision for affordable housing and infrastructure consequences of the development.

Other Matters

Drainage

20. Following the concerns previously raised by the Lead Local Flood Authority (LLFA), a new Drainage Strategy prepared by MLM Group has been submitted as part of the appeal. The same strategy has been submitted as part of a planning application for a revised scheme on the site and has therefore been assessed by the LLFA. The Drainage Strategy relies upon attenuation and discharge into Thames Water surface water located in St Peters Street, and I understand that Thames Water have agreed to a 2 l/s discharge rate.
21. Having regard to the available evidence, I am satisfied that the appellant has provided sufficient information to demonstrate that there is adequate provision for surface water drainage to accommodate the appeal development. There

would therefore be no conflict with paragraph 169 of the Framework, which requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Had the development been considered acceptable in all other respects, it would have however been considered necessary to impose a number of conditions to agree a detailed surface water drainage scheme, and secure the implementation of mitigation measures.

Servicing, cycle parking and refuse storage

22. As set out in the Planning Statement, the servicing and access arrangements for the commercial premises would be the same as the existing, with customer access being provided to the front of the unit on St Peters Street. Deliveries would occur at the front of the site, via the existing service road on St Peters Street. There would be similar access and servicing arrangements for the basement unit. Given that the servicing of the commercial premises currently occur on St Peters Street and in the absence of substantive evidence to the contrary, the proposed arrangements are considered acceptable.
23. The amended plans submitted as part of the appeal show that additional cycle spaces for the commercial premises would be provided to the rear of the building. The size of the external bin store sited towards the rear of the site has been increased to address the capacity issues raised by the Local Planning Authority. As shown on the plans, this would also require the cycle store for the residential units to be moved slightly. A private contractor would be responsible for moving the bins to within 10 metres of Drovers Way on the day of collection. The Council's Recycling and Waste Officer has confirmed that the submitted details are considered acceptable, and I see no reason to reach an alternative view. Given the above, the details setting out the arrangements for the servicing of the commercial premises, provision for cycle parking and refuse storage are considered acceptable.

Housing land supply

24. The Council is unable to demonstrate a five-year supply of deliverable housing sites. The appellant considers that the Council only has 2.2 years of housing land supply, which constitutes a significant shortfall. This is not contested by the Council. In such circumstances, paragraph 11 d) of the Framework, as directed by Footnote 8, advises that the policies which are most important for determining the application have to be considered out-of-date, and planning permission should be granted.
25. This presumption does not however apply where the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. As detailed in Footnote 7 to the Framework, such areas or assets of particular importance include designated heritage assets. The appeal scheme would fail to preserve the character and appearance of the St Albans Conservation Area, and the policies of the Framework in that regard provide a clear reason for refusing the appeal scheme. The proposal does not, therefore, benefit from the presumption in favour of sustainable development.

Heritage Balance

26. The appeal scheme would cause less than substantial harm to the significance of the St Albans Conservation Area, to which I ascribe considerable importance and weight. In such circumstances, paragraph 202 of the Framework states that the harm should be weighed against the public benefits of the proposal. The appeal scheme would enable the construction of market and affordable homes within an accessible area. As part of the proposal, there would also be collateral economic benefits, both in the short and longer term, as well as financial contributions towards parks and open space, play area and leisure and cultural centre facilities. These considerations may rightly be regarded as public benefits and would, cumulatively, attract important weight.
27. However, given the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, the identified harm to the St Albans Conservation Area carries substantial weight against the proposed development, such that it outweighs the presented public benefits.

Conclusion

28. The Framework promotes the reuse of brownfield sites located in accessible areas, notably where it provides regeneration opportunities. Such developments can also assist in reducing pressure to build on greenfield land. That said, these have to be balanced against other considerations, including the protection of the historic environment. If the appeal was allowed, the development would become a permanent feature which would cause harm to the Conservation Area. Furthermore, it has not been demonstrated that the appeal scheme represents the only option to create additional commercial and residential accommodation.
29. Overall, there are no material considerations, which indicate that the appeal should be determined other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR