



Appeal Decision

Site visit made on 2 August 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/B1930/W/22/3296314

16 Townsend Lane, Harpenden AL5 2QE

- 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 & Mrs Jelfs against the decision of St Albans City Council.
 - The application Ref 5/21/3038, dated 29 October 2021, was refused by notice dated 18 February 2022.
 - The development proposed is Replacement of 3 bedroom house with new 5 bedroom house and associated landscaping.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr and Mrs Jelfs against St Albans City Council. That is the subject of a separate decision.

Main Issues

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Harpenden Conservation Area.

Reasons

4. The Harpenden Conservation Area (the CA), encompasses a large area, reflective of its development from an agricultural village in the nineteenth century to a town comprised of predominantly suburban housing, much of which was constructed in the twentieth century.
5. Whilst not comprising the Victorian and Edwardian houses that are prevalent along Salisbury Avenue nearby, development along Townsend Lane is nevertheless somewhat typical of the suburban housing present in the CA, being comprised of large, typically detached, two storey dwellings that are set within spacious plots. Dwellings here tend to fill much of the frontage of the plots with limited gaps between the built form.
6. The houses tend to have a number of architectural features in common such as hipped roofs, front gables and projecting bays, dormer windows, and tall distinctive chimneys. Brick is a common material and brickwork often contains elaborate detailing. Walls faced with hanging tiles are also present. Projecting bays are typically rendered with timber detailing. In common with the older properties along Salisbury Avenue, properties often include intricate and decorative architectural detailing such as timberwork and elaborate roof arrangements. The spacious plots, the limited gaps in built form, and the

consistent architectural features, materials and detailing are characteristics of the streetscene that contribute to the significance of the CA insofar as it relates to this appeal.

7. The Harpenden Conservation Area Character Statement (2008) (the CACS) sets out a number of individual character areas, the interrelationship between which has produced the unique character of Harpenden. The part of Townsend Lane comprising the appeal site lies in character area E2 which began to be built up in the late Victorian and early Edwardian period. Nevertheless, the CACS states that the building styles of that period do not pervade the area in the way that they do in the neighbouring Area E1. Area E1 is described, in part, as *'houses, of red brick and frequently with decorative timbering... In carpentry, brickwork and stonework, the detailing often shows a high standard of inventiveness and craftsmanship'*. Notwithstanding that the development in E2 is typically more recent than that in E1, the above description is nonetheless broadly consistent with my impression of the characteristics of the development along Townsend Lane, as described above.
8. The appeal site is a large, detached dwelling that occupies most of the width of its spacious plot. The lower walls are faced with red brick including brick detailing around the inset porch, whilst the building is clad in hanging tiles above ground floor level. Its roof is hipped with distinctive 'eyebrow' detailing to the roof tiling and prominent chimneys. The side elevation facing the flats at The Coppice which front Douglas Road includes a hipped bay window that is visible across the access to parking at the rear of the flats. Owing to the scale of the dwelling, its position in the plot and its architectural features described above, I saw that the existing dwelling reinforces the characteristics that contribute to the significance of the CA.
9. It is proposed to demolish the existing dwelling and replace it with a larger brick faced dwelling. The proposed dwelling would fill the width of the site in line with the general character of the area and would include a pair of gables to the front. Whilst the proposal would incorporate several panels of herringbone brickwork, the inclusion of architectural detailing is comparatively limited in relation to the existing dwelling or the majority of the surrounding houses. As such, its more simplistic, uniform and symmetrical appearance would appear stark and at odds with the prevailing more intricate character of the suburban dwellings, adversely affecting the streetscene. This starkness would likely be exacerbated by the choice of materials: grey tiles and grey windows. These would stand out and appear discordant amongst the predominantly red roofs and white windows.
10. Furthermore, whilst I recognise that there are numerous large houses in the vicinity, the bulk and massing of the property would be significantly greater than the dwelling it would replace. Although the proposal would be set down from street level like the existing building, its bulk would be highly evident in the streetscene in views of the side elevation across the access to The Coppice, to the detriment of the character of the streetscene. The flat-topped hipped roof and high eaves would also add to the apparent bulk of the building. Overall, the proposal would represent an incongruous form of development that would adversely affect the character and appearance of the streetscene.
11. Both parties have referred to Policy H2 of the Harpenden Neighbourhood Plan (2018) (the HNP). This policy allows the redevelopment of existing residential

properties that are robustly demonstrated to be *'no longer fit for purpose'*. This is defined in the policy text as *'in a state of disrepair, including if it is unsafe'*. It is accepted by the appellant that the existing dwelling is neither in a state of disrepair, nor is it unsafe. In addition, the policy states that properties that *'make inefficient use of their site and are of a lower density than nearby properties may be suitable for renewal to a density that reflects or is higher than surrounding densities, subject to heritage and other relevant considerations'*.

12. However as described above, I found the existing dwelling to be reflective of the character of the area, including its density, particularly as it occupies almost the full width of the plot. For this reason, it does not clearly represent an inefficient use of the site. The appellant states that the existing dwelling is inefficient, and the proposal would improve thermal efficiency, reducing the demand on carbon-based heating fuels. However, there is no evidence before me that either the total demolition of the dwelling or the construction of the appeal proposal, represent the only means of achieving these aims.
13. Moreover, Policy H2 also states that *'redevelopment must be of a high-quality design that is acceptable in terms of scale and massing with neighbouring properties and conform to all other relevant policies in the HNP'*. I have found that the proposal would be harmful to the character and appearance of the streetscene, therefore, in this context the proposal does not constitute high quality design.
14. I have had regard to other schemes approved nearby, including that at 20 Park Avenue. However, from the information before me it appears that almost all of the examples provided incorporate into their design features that are characteristic of the CA. I accept that the proposal is intended to be a modern interpretation of a Victorian or Edwardian building, and that it seeks to conform with the broad uniformity of the style of Area E1. However, it includes only limited evidence of the architectural detailing that is referred to in the CACS for that Area and nevertheless for the above reasons it would result in harm to the streetscene and the significance of the CA.
15. Overall, the proposal would represent an incongruous form of development at odds with the prevailing character and would be harmful to the character and appearance of the streetscene. It would result in an adverse effect on the significance of the CA leading to less than substantial harm as set out in paragraph 199 of the National Planning Policy Framework (the Framework). The appeal scheme would therefore fail to preserve or enhance the character and appearance of the CA.
16. The proposed development would, with the above in mind, be contrary to Policies 69, 70 and 85 of the St Albans District Local Plan Review 1994, HNP Policies ESD1 and ESD2 the provisions of the Framework which together seek, amongst other things, to preserve character and appearance and ensure that heritage assets are conserved in a manner appropriate to their significance. There would also be conflict with Policy H2 of the HNP, described above.
17. Section 72(1) of the Act requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable importance and weight.

18. The proposal would result in the provision of a dwelling with superior insulation than the existing dwelling whilst resulting in the provision of solar panels and air source heat pumps providing renewable energy. Whilst there is limited detail in terms of the energy efficiency of the existing dwelling, I accept that these would be benefits to the proposal. However as this relates to a single property these benefits would inevitably be minor.
19. The appellant states that the property could form a benchmark in the local area, which could be a public benefit to the scheme, however there is limited evidence in that regard. I would also note that in my experience, the installation of renewable energy sources alongside enhanced insulation is relatively common within new developments. Such measures are likely to increase further still in line with the requirements of Part L of the Building Regulations. As such, in terms of potentially providing a benchmark for other development in the local area, this would constitute a relatively limited public benefit.
20. Consequently, having regard to the above, these public benefits would not, when taken together, outweigh the adverse effect on the significance of the CA.

Other Matters

21. I have had regard to the Planning Committee Report and the recommendation of approval, cited by the appellant. However, I also note that the Council Members have reached a different planning judgement, as they are entitled to.

Planning Balance and Conclusion

22. The appellant has referred to the Council's recent housing delivery figures and indicates that there has been a shortfall in delivery. However, the appeal proposal, being a single replacement dwelling, would not contribute to rectifying any shortfall.
23. Nevertheless, whilst the Council is silent on this matter, paragraph 11 d) of the Framework states that in such circumstances permission should be granted unless the application of policies in the Framework that protect assets or areas of particular importance provide a clear reason for refusing the development. Footnote 7 indicates that designated heritage assets are one such protected asset. I have found that the proposal would amount to significant harm to the character and appearance of the Harpenden Conservation Area, a designated heritage asset. There is therefore a clear reason for refusing the proposal in any event, and the presumption in favour of sustainable development is not engaged.
24. I have considered all other matters raised but none outweigh the conclusions I have reached. For the reasons set out above, I dismiss the appeal.

Paul Martinson

INSPECTOR