



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: 04 October 2022

Appeal Ref: APP/B1930/W/22/3295358

1 Kirkdale Road, Harpenden AL5 2PT

- 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 KBH Partners against the decision of St Albans City Council.
 - The application Ref 5/2021/1606, dated 27 May 2021, was refused by notice dated 13 October 2021.
 - The development proposed is described as: 'Raising and alterations to roof from flat to pitched with roof lights and front and rear gables to create Class E(g)(i) office space, alterations to openings'.
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Decision

1. The appeal is allowed and planning permission is granted for Raising and alterations to roof from flat to pitched with roof lights and front and rear gables to create Class E(g)(i) office space, alterations to openings at 1 Kirkdale Road, Harpenden AL5 2PT in accordance with the terms of the application, Ref 5/2021/1606, dated 27 May 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. I have used the description of development from the appeal form as it more accurately describes the appeal proposal. In doing so I have removed words that are not acts of development.

Main Issue

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) extends over a large area inclusive of the commercial development in the town centre as well as suburban areas. Commercial buildings are arranged along the main thoroughfare of Luton Road, leading to St Albans Road. Residential streets adjoin these main commercial streets, and generally comprise large, typically detached, dwellings. Buildings in the CA tend to be at least two storeys in height whilst roofs are typically pitched and often hipped. Dwellings are of varied ages and exhibit a variety of styles often with elaborate detailing. The large detached dwellings, their elaborate detailing and the relationship with the commercial street are features of the CA that contribute to its significance.
5. The appeal site lies at the intersection of the commercial and residential areas. It comprises a small, single storey flat roofed building that is set forward of the

residential development along Kirkdale Road. It lies adjacent to the service areas to the rear of the commercial buildings and flats fronting Luton Road. The building is predominantly rendered with a brick parapet to the front elevation which comprises of a central door with modern windows to each side. The side elevations are predominantly blank, aside from a high-level modern window. A very small, paved area lies between the building and the pavement edge which is enclosed by contemporary metal railings.

6. The building dates from the early twentieth century and has been used as a commercial office. It is understood to have been constructed as a site office by a local builder and used to sell the nearby residential properties. Owing to its scale, form, design and its position, the building appears as an anomaly in the streetscene and is not consistent with the pattern of development here, or the features that contribute to the significance of the CA. Nevertheless, owing to its historic association with the nearby residential properties it makes a minor contribution to the historic significance of the CA.
7. The building was recently locally listed by the Council, and it considers the building to be a non-designated heritage asset. Paragraph 203 of the National Planning Policy Framework (the Framework) sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
8. Based on the evidence before me, the main reason for the appeal building being locally listed was as a result of its historic associational interest with the properties along Kirkdale Road, being the original site office. This original building featured art deco style detailing which has now been predominantly lost. The brick parapet is a more recent replacement. The windows and doors do not reflect those of the original building. Nevertheless, whilst the general form of the building remains, the building does not have a high architectural merit, nor is it a particularly rare form of design or architecture. My impression is therefore of a building with a limited heritage significance, that is nonetheless locally listed due to its historic association with the nearby residential properties, rather than having any special architectural interest.
9. It is proposed to provide an additional floor to the building in order to increase office floor space. This would involve an increase in the height of the building with the provision of a new pitched roof, the eaves line of which would be set slightly higher than the existing parapet. The roof would incorporate two rooflights per roofslope. These changes would alter the appearance of the building within the streetscene and would increase its height. However, the provision of a pitched roof on the building would be more reflective of the character of the CA described above and therefore, the proposal would not significantly increase the prominence of the building. For this reason, it would not cause the building to appear more incongruous in this setting. I am therefore satisfied that the proposal would not result in an adverse effect on the character or appearance of the CA.
10. Whilst the proposal would alter the form of the building, it would nevertheless continue to appear as an anomaly to the prevailing pattern of development through its scale and position in the streetscene, which would allow its historic

association to continue to be appreciated. The proposal would also represent a minor improvement in this regard through the insertion of windows to a style that is reflective of the original building. For these above reasons and having regard to its limited heritage significance and its contribution to the CA, the proposal would not result in harm to the significance of the non-designated heritage asset or the significance of the CA.

11. As such, for the above reasons, I conclude that the proposal would preserve the character and appearance of the Conservation Area. The proposal would therefore comply with Saved Policy 85 of the St Albans Local Plan Review (first adopted 1994) (the LP), Policies ESD1 and ESD2 of the Harpenden Neighbourhood Plan (2018) and the provisions of the Framework which seek, amongst other things, to preserve character and appearance and ensure that heritage assets are conserved in a manner appropriate to their significance.
12. The proposal would also comply with Saved Policy 87 of the LP which states that planning permission will not be granted for alterations or extensions to locally listed buildings unless features of architectural or historic significance are preserved and Policy 85 is complied with.

Other Matters

13. I have had regard to the comments from local residents and I have taken into account the local opposition to the proposed development. Whilst some of these objections focus on this potentially being a precursor to residential development, I am required to consider the proposal before me. There are concerns that the proposal does not incorporate space for parking or bins. However, I note that the site's existing use is as an office and has been for some time. The site is in an accessible location adjacent to a town centre that is reasonably well served by public transport. I am therefore satisfied that the proposal would not create significant additional demand for parking, nor would it significantly worsen any existing parking pressures. This is reinforced by no objections having been received from the Highway Authority.
14. The appellant has responded to concerns with regard to refuse provision noting that waste is stored within the building and collected by a waste management company. There are no wheeled refuse bins due to this being a commercial office. There is nothing before me to suggest that an additional floor would be likely to lead to a significant increase in demand for refuse storage. I am therefore satisfied that the proposed office extension would be adequately provided for in terms of refuse.
15. Given the position of the existing building, set forward of the residential property of 3 Kirkdale Road and away from its boundary, I am satisfied that the appeal proposal would not result in a significant overshadowing or loss of light to that property. Any potential for overlooking from the proposed rooflights could be addressed by an obscured glazing condition on any approval, as suggested by the Council. Whilst concerns have been raised regarding an increase in noise arising from the building, the use of the site as an office is an established use on this site that has operated adjacent to residential properties for some time. Furthermore, there is no evidence before me that noise from the building would significantly increase as a result of the appeal proposal to levels that would be unacceptable when experienced at neighbouring properties. I note that the Council found no harm to living conditions.

16. Concerns have been expressed that a slate roof is proposed. The majority of roofs in the vicinity are finished with flat clay or concrete tiles. Slate is not a typical roofing material in the CA and would not be an appropriate roof finish for the proposed building. I have therefore recommended a planning condition be imposed requiring details of the roofing material to be agreed.
17. Concerns have been raised as to whether the proposal could be constructed to meet the Building Regulations, including through the removal of a back door and in terms of the structural integrity of the building. However, there is no clear evidence before me that the structural integrity of the building would prevent the extension being constructed as proposed. Furthermore, any issues in terms of meeting the Building Regulations should be dealt through that mechanism rather than through the planning process. Issues of land ownership such as consent for scaffolding are private legal matters that fall outside of the planning process. Based on the information before me, these are not reasons to dismiss the appeal.

Conditions

18. I have imposed conditions requiring compliance with the approved plans, in the interests of certainty and in order that the proposal integrates appropriately with its surroundings. I have amended certain conditions suggested by the Council to ensure they meet the relevant requirements in the Framework without altering their aim.
19. In the interests of the character and appearance of the area, conditions are required to ensure the external materials reflect those of the existing building. I have imposed a condition requiring further details of the proposed roof covering based upon my above reasoning.
20. Furthermore, in the interests of avoiding adverse effect on the privacy of neighbouring properties, a condition requiring the rooflights to be obscure glazed is also necessary. Given the proximity to 3 Kirkdale Road in particular, it is considered necessary to remove permitted development rights for future changes without planning permission. This is because alternative uses could potentially have greater effect on the living conditions of the occupiers of that property than the existing use as an office.

Conclusion

21. Having considered the development plan as a whole, the approach in the Framework, and any other relevant considerations, I conclude that the appeal should be allowed subject to the conditions set out below.

Paul Martinson

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: 07 D, 09 A.
- 3) Prior to the construction of the external walls of the proposed extension, details of the proposed roof covering shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 4) The external surfaces of the development hereby permitted shall be constructed only of materials, the type and colour of which match those on the existing building.
- 5) The extension hereby permitted shall not be occupied until the rooflights have been fitted with obscured glazing. These shall be non-opening below a height of 1.7 metres taken from the internal finished floor level. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before any rooflight is installed and once installed the obscured glazing shall be retained thereafter.
- 6) The premises hereby approved shall be used for an office only and for no other purpose (including any other purpose in Class E of Schedule 2 to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting these regulations with or without modification.