



Appeal Decision

Site visit made on 15 June 2022

by Andre Pinto BA, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2022

Appeal Ref: APP/B1930/Y/21/3284609

15 Welclose Street, ST. Albans, AL3 4QD

- 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 Mr Gregory Rapone against the decision of St Albans City Council.
 - The application Ref 5/21/2118LB, dated 19 July 2021, was refused by notice dated 3 September 2021.
 - The works proposed are the conversion of the existing cellar into a habitable room.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have changed the description of the development to more accurately represent the works being carried out.

Main Issue

3. The main issue is whether the proposed works would preserve the Grade II listed building, '9-17 Welclose Street' (Ref: 1103038), and any features of special architectural or historic interest that it possesses.

Reasons

4. The appeal relates to No 15 Welclose Street (No. 15) which is one of a group of 5 different dwellings that comprise the listed building. The listed building, a row of early 19th century cottages, each with 2 storeys and one window to the front, form a cohesive group. They are characterised by the use of red brick with blue diaper work in the facing of the front elevation, except for Nos. 13 to 17, which have plain red brick.
5. Although it is clear that some less than sympathetic alterations have been undertaken to the basement of No. 15, notably the installation of a uPVC window, some of the original finishes and features of the building, including a brick fireplace and some flint and rubble walling, are still visible beneath the current paint finish. These original finishes and features contribute to the historic and architectural interest of the building by allowing an appreciation of its phasing and construction. The use of flint is particularly unusual, as stated in the Council's Appeal Statement (2022) as it may indicate development earlier than the 19th Century.
6. The Appellant does not appear to dispute, in either its Planning Appeal Statement (2021) or in its response to the Council's Statement, the existence

of the flint wall or the brick fireplace, which I was also able to confirm during my site visit, or its importance from an historic point of view.

7. Given the above, I find that the part of the special interest of the listed building which most directly relates to this appeal is its historic features, including the brick fireplace and the flint and rubber walling, as these help to tell the story of building, how it was constructed and its historic evolution.
8. The proposed works are to convert the existing cellar into a habitable basement by extending the perimeter walls of the cellar to provide greater head height. The proposed extension would be carried out by using underpinning, with the existing chimney breast and flint wall being retained and underpinned using the same method. The proposed tanking system aims to prevent any damp issues becoming a major nuisance for any future occupier of the property.
9. In support of the proposal, the Appellant also submitted evidence of previous flooding issues caused by a burst water main and also brought to my attention wider considerations, such as the potential effects of more frequent flooding events due to climate change.
10. In relation to flooding issues, I accept that flooding could occur again due to issues such as a burst water pipe or rising water table, and that these may become more frequent in the future due to climate change. However, I have not been presented with clear evidence of on-going or frequent water ingress in the building or evidence that climate change will significantly affect the water table of the locality.
11. Consequently, although I accept that that the burst water pipe has clearly caused flooding to the existing basement as evidenced by the Appellant, in the absence of any further evidence that such an event has, or is likely to occur on a more frequent basis, I must consider this to be an unfortunate but isolated issue.
12. The Council, in turn, has raised concerns regarding the effects of the proposal on the existing historical features of the property, namely the brick fireplace and the flint rubble walling which, as I have set out previously, constitute important historical features of the listed building that contribute to its significance.
13. The Appellant, in the Planning Appeal Statement (2021), states that only a very small section of the basement wall has visible flint and that this section of the wall, alongside the existing brick walls and chimney breast, would be retained behind the new waterproof lining and studwall layer. Furthermore, the Appellant also states that this process is entirely reversible and that the harm caused to the original fabric would be insignificant, as all heritage features would be maintained and preserved behind new studwalls.
14. I accept that the existing chimney breast and basement walls would be preserved, but these would also be concealed behind the new waterproof lining and proposed studwall layer. Therefore, although the present proposal would not cause the loss of these important features, the proposed tanking method would conceal them and, consequently, cause harm to the significance of the listed building as the appreciation of these features would be diminished.

Furthermore, once the works are carried out, there would be no guarantee that these would be reversed or that there would be an incentive to do so.

15. In conclusion, and for the reasons stated above, I do not find that I have enough evidence before me to justify the proposed harm to the listed building due to the concealment of important historical features which contribute to the interest of the listed building and, consequently, to the significance of the asset.
16. Moreover, I agree with the Council that there is no clear evidence that the existing lime render, a binding agent traditionally used in similar properties and prized for its breathability, is inadequate in this case. In addition, tanking would likely adversely impact on those breathable characteristics.
17. Given the above, I find that the proposal would fail to preserve the special interest of the Grade II listed building. Consequently, I give this harm considerable importance and weight.
18. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification.
19. Given the moderate scale of the proposed development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
20. I accept that the proposed extension would increase the overall amount and quality of living space within the dwelling, but these benefits are, in larger part, private benefits. I also accept that the proposal would lead to some public benefits, particularly economic local benefits from the proposed investment. However, the public benefits presented are not sufficient to outweigh the harm that I have identified.
21. The Appellant is of the opinion that, as the proposal would have no visual impact on the surrounding areas and no material harm to the amenity of neighbours, it would cause no harm to matters of acknowledged importance. Nevertheless, for the reasons stated above I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building and therefore fail to satisfy the requirements of the Act and paragraph 197 of the Framework.

Other Matters

22. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area.
23. As the proposed works would result in alterations to the interior of the property only, I find these would not harm the character or appearance of the CA.

24. The Appellant has also drawn my attention to a neighbouring property, No.11 Welclose Street, which has successfully received permission to install a waterproofing system (Newton Tanking System) which is, according to the Appellant, very similar to the proposed system (Delta Membrane) for No.15 Welclose Street.
25. I am not fully aware of the details or particular circumstances of this appeal, but I note that, although the Council has not refuted the Appellant's statement in relation to this, it has stated that 11 Welclose Street had evidence of long-term damp problems, which is not the case of the appeal site. In any case, I must determine the proposal before me on its own merits and for the reasons stated I consider the proposed works to be harmful in this instance.

Conclusion

26. For the reasons above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Andre Pinto

INSPECTOR