



Appeal Decisions

Site visit made on 15 June 2022

by Mr Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2022

Appeal A Ref: APP/B1930/W/21/3284539

19 Hill Street, ST. ALBANS, AL3 4QS

- 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 Simon Oaten against the decision of St Albans City Council.
 - The application Ref: 5/21/1296, dated 30 April 2021, was refused by notice dated 30 July 2021.
 - The development proposed is Single storey side extension with glazed link (resubmission following refusal of 5/2020/1474 dated 30/10/2020).
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Appeal B Ref: APP/B1930/Y/21/3284540

19 Hill Street, ST. ALBANS, AL3 4QS

- 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 Simon Oaten against the decision of St Albans City Council.
 - The application Ref: 5/21/1301, dated 30 April 2021, was refused by notice dated 30 July 2021.
 - The works proposed are Listed Building consent - Single storey side extension with glazed link (resubmission following refusal of 5/2020/1555 dated 30/10/2020).
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Decision Appeal A

1. The appeal is dismissed.

Decision Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. Although the appeal site is located within the St Albans Conservation Area (the CA), the effects of the proposed development on the CA have not been identified as a main issue by either party. Nevertheless, as section 72 of the Act still requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of that area, I have dealt with this issue under 'Other Matters'.

Main Issues

4. In Appeal A, the main issue is:
 - the effects of the proposed development on existing protected trees.
5. In both Appeal A and Appeal B there is one further main issue, which is:

- whether the proposed works would preserve the Grade II Listed Building, 'Pryton Lodge' (Ref: 1103132), and any features of special architectural or historic interest that it possesses.

Reasons

Protected Trees

6. The appeal site is located in the CA where all trees, of relevant size, are protected. It is a sizable plot with several mature trees, of varying species and sizes, which greatly contribute to the verdant character of the area.
7. One of the principal reasons for refusal presented in Council's Decision Notice is the effects of the proposed development on protected trees, specifically the Appellant's failure to provide substantive information to enable the assessment of the effects of the proposed development and its construction on protected trees.
8. Policy 74 of the St Albans District Plan Review (1994) states that, on sites with significant existing landscaping, planning applications shall be supported by a full tree survey indicating all landscape features, trees species, canopy spread, trunk diameter and levels at the base of each tree.
9. Following from the submission of the planning application Ref: 5/21/1296, dated 30 April 2021, the Appellant has supplied, in support of his appeal, an Arboricultural Method Statement Implications Assessment and Tree Protection Report (2015) (TP Report) that contains detailed information on how the works would be undertaken throughout the course of the demolition, construction and landscaping stages of the proposed development.
10. The Council's Statement of Case (2022) confirms that, although the TP Report was not submitted with the original planning application, it has now been reviewed and the Council is now satisfied that the proposed tree protection measures are acceptable.
11. Consequently, it is my view that, although the Council was justified in refusing the application for that reason at the time, both parties seem to have now reached an agreement on this matter and therefore the Council no longer objects, subject to conditions, to the development proposal on the basis of its impact on protected trees.
12. Consequently, and for the reasons stated above, I do not find that the proposal would have a negative impact on existing protected trees and therefore, in that respect, be in accordance with Policy 74 of the St Albans District Plan Review (1994) which seeks to protect existing landscaping features and therefore in accordance with the aims of the National Planning Policy Framework in this regard.

Grade II Listed Building

13. The Grade II listed building known as 'Pryton Lodge' is located at 19 Hill Street. It is described in the statutory list description as an early to mid 19th Century 2 storey building, well set back from the road, with a moderately low pitched, hipped, slate roof. The statutory list description also includes reference to, amongst other features, the building's full length casements ground floor

- windows opening on to loggia with roof of fish-scale slates supported on slender, cast-iron columns with foliated capitals and bases.
14. The building is approached via a fairly narrow driveway, located between No. 17 and No. 19a Hill Street, leading onto a spacious verdant plot that lies, in its vast majority, behind the rear boundary of Nos. 19a to 19d.
 15. Due to the siting of the building in relation to its plot, Pryton Lodge is not easily perceived from Hill Street, which contributes to the creation of a sense of anticipation as one approaches the main building and the west elevation.
 16. Given the above, I find that the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with its survival as a house with historic architectural value and features dating back from early to mid 19th century, its relationship with the plot in which it is located, and also the visual and architectural impact of the existing west elevation of the building.
 17. The proposed works consist of a single side extension with a glazed link to the main building and internal alterations to the northern flank wall to provide access to the proposed new extension, which includes infilling an existing window at ground floor level on the northern side elevation of the original building with matching materials and the replacement of a second window to form a doorway to the proposed extension.
 18. The proposed works would therefore significantly alter the existing north elevation of Pryton Lodge, which appears to retain a considerable amount of its historic features and proportions. In addition, the proposed extension, due to its location directly opposite to the existing driveway and to the main access point to Pryton Lodge, would alter the overall relationship between the main building and the plot in which it is located, as the first glimpse of Pryton Lodge would no longer be the existing west elevation, but the proposed single storey side extension which would be easily perceived from the driveway.
 19. Although I accept that there is already an extension to the south elevation of the building, due to the shape of the plot and it's sitting within it, the existing south elevation extension is not as dominant as the proposed north elevation extension would be.
 20. Given the above, I find that the proposal would fail to preserve the special interest of the Grade II listed building, Pryton Lodge.
 21. 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. Given the moderate scale of the proposed development, I find the harm to be less than substantial, in the terms of the Framework, but nevertheless of considerable importance and weight.
 22. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings.

23. The Appellant is of the opinion that the proposal would improve standards of accommodation and cause no harm to matters of acknowledged importance, as the proposed works are modest changes to the building that would ensure that the proposed extension remains subordinate, divorced from the dwelling and clearly ancillary to the main house.
24. However, while I accept that the proposed extension would increase the overall amount of living space within the dwelling with the benefit of contributing to the up-keep of the property and the making of a larger family home, these public benefits are not sufficient to outweigh the harm that I have identified. In any event, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.
25. Given the above, and in the absence of sufficient public benefit, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act and paragraph 197 of the Framework.

Other Matters

26. 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.
27. As the proposed works would not be easily perceived from the public highway and the proposal, for the reasons set above, has been found to not have a negative impact on protected trees within the CA, I find the proposed development and works would not harm the character or appearance of the CA thus preserving its significance.

Conclusion

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

Mr Pinto

INSPECTOR