



Appeal Decision

Site visit made on 3 November 2022

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2023

Appeal Ref: APP/B1930/W/22/3290533

32 King Harry Lane, St Albans, Hertfordshire AL3 4AU

- 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 Anna Chatwin against the decision of St Albans City & District Council.
 - The application Ref 5/20/3037, dated 11 December 2020, was refused by notice dated 30 July 2021.
 - The development proposed is the refurbishment and the extension of the existing dwelling house providing 9 apartments and a single coach house and associated car parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A Unilateral Undertaking (UU) dated 13 June 2022 relates to the payment of contributions towards public open space, leisure and culture, libraries and special educational and disabilities services, and youth services provision, which I have taken into account in my decision.

Main Issues

3. The main issues are the effect of the proposal on:-
 - the character or appearance of the St Albans Conservation Area (SACA);
 - the significance of a non-designated heritage asset (NDHA), known as 32 King Harry Lane;
 - the setting of a Scheduled Monument (SM); and
 - the living conditions of the residents of the new apartments and 1 The Ramparts, having regard to outlook and privacy.

Reasons

Heritage assets

4. The appeal site comprises an extended two storey dwelling in a large plot, at 32 King Harry Lane (also known as Pooks Hill), which is located within the SACA, and identified as a NDHA. The site's side boundary runs adjacent to a SM which consists of Roman walls and ditches within Verulamium Park, a public open space.

5. The SACA covers an extensive area of the city including King Harry Lane and Verulamium Park. The SACA includes a range of buildings and places over an extensive time period, dating back to the Roman period and Iron Age, which reflect the city's historic development. The St Albans Conservation Area Character Statement (CACA) (2016) identifies the locality as "The Park and St Stephens Hill' character area and part of Victorian development of large houses which took place in very spacious grounds overlooking Verulamium Park and the Abbey. The appellant's Heritage Building Impact Assessment (HBIA)¹, including historic map extracts, indicates that King Harry Lane originated as a rural lane and the appeal property as a subsidiary building, probably stables or coach house, that was part of a wider estate with a large detached 19th century property, known as Campbellfield.
6. In the 1930s, the Campbellfield estate was redeveloped with housing along King Harry Lane. More recent 20th century development has also taken place, such as the backland dwellings at The Ramparts behind the site. King Harry Lane and its surroundings is now characterised by more recent housing giving the area a more suburban quality. However, some historical buildings remain, often glimpsed through vegetation, as do the mature wooded landscape indicative of the Victorian estate development of the area. Therefore, the spacious and verdant qualities of the area, legibility of the rural origins of King Harry Lane, along with remaining historical buildings, are of importance and significance and special interest to the SACA as a whole.
7. The CACA also identifies the appeal site as being locally listed. It has now been significantly extended to the front and rear, and the only remaining part of the building is an altered 19th century façade. However, the façade reflects the former subsidiary and traditional nature of the original building with its modest openings, first floor window openings rising slightly above the eaves with cambered brick arches, gables sited above the eaves and a low pitched roof. The spacious and landscaped nature of the plot also reflects the historic legacy of the Campbellfield estate, and the former rural qualities of King Harry Lane. Such features and qualities would indicate the NDHA to be of city wide importance and a modest level of significance, greater than the very low level of significance detailed in the HBIA.
8. The SM comprises walls of varying heights built of mortared flint rubble with layers of brick bonding, and defensive ditches of significant width and depth. The walls were built in the latter half of the 3rd century whilst the information boards within the park indicating the ditches to be Iron Age. The list entry (1003519) map shows the SM alongside part of King Harry Lane and then roughly alongside the park boundary of the site and The Ramparts. The bank of the ditch lies adjacent to the flank of the existing building and the wall is sited further back beyond a footway /cycleway. Within this park area around the SM, there is deciduous and evergreen vegetation, including large trees.
9. The walls were part of a large Roman city of Verulamium which contained stone public buildings including a theatre, basilica, and forum. The walls are of great importance in the understanding of Roman towns and cities, including Verulamium, and provide evidence of the construction methods and materials used for defences. The ditches further give understanding to the development of the pre-Roman settlement of Verlamion. The naturalised and landscaped

¹ Historic Building Fabric Impact Assessment, 32 King Harry Lane, St Albans, Hertfordshire, Archaeological Solutions Ltd2, November 2020.

nature of the surroundings of the SM are important in retaining the SM as an identifiable feature, largely free of any more recent development, and promoting its understanding. As historical structures and land features, they are appreciated in views within the park, including looking across towards the appeal site. Such a context contributes to the significance of the designated heritage asset.

Proposals

10. The proposal would convert, extend and alter the appeal site from a single dwelling into 9 apartments and would erect a coach house to the rear. The height of the roof of the principal building would be raised by approximately 1m and the existing flat roof crown would be extended significantly. The roof eaves on the part of the existing flank wall adjacent to the SM would also be raised as well as that on the remaining 19th century façade of the appeal building. Between the front and rear part of the site, an existing wall across the site would be removed and there would be an extensive area of hard surfacing for access and vehicle parking around the extended building and coach house.
11. The new apartment building would be set back from the frontage and the flank boundary alongside the access drive to The Ramparts. There would be the retention of much of the existing landscaping, and there is well-established landscaping around the SM in the park. The appellant's Landscape and Visual Assessment (LVA)² indicates no landscape or visual harm arising from the proposal.
12. However, with the raising of the frontage eaves and height of the roof, the last remaining 19th century part of the original building would be lost. Consequently, the development would adversely affect its significance by largely removing reference to its origins as a part of a Victorian estate. The greater roof bulk of the apartment building, addition of the coach house, extensive hard surfacing and significant increase in flank openings would result in an overly dominant and extensive development. The new hard surfaced areas would be far greater in area than existing, removing areas of garden, and would be used for the parking of vehicles associated with the residential units. Such a domineering development would be detrimental to the spacious qualities of the site and area.
13. There would be a significant number of ground floor glazed doors, 'juliette' style balconies and windows on the flank elevation of the extended building facing the SM. With lighting and roof changes, the visual impact would also be significantly greater than the glimpsed and intermittent views as indicated in the LVA, especially during winter. The car park would be sited behind walls alongside the access drive to The Ramparts but the greater intensity of the development, through vehicular comings and goings, would be noticeable and the loss of the boundary trees, irrespective of their grading within the appellant's arboricultural method assessment³, would open up views of a significantly larger building and coach house.

² Landscape and Visual Assessment, 30 Harry Lane, St Albans, Hertfordshire, AL3 4AU, David Clarke, Chartered Landscape Architect and Consultant Arboriculturist Limited, October 2020.

³ Agricultural Method statement, David Clarke, Chartered Landscape Architect and Consultant Arboriculturist, Limited, October 2020.

14. Further landscaping would take place but the scope would be limited by reason of the significant increase in hard surfacing up to The Ramparts boundary of the site. Even within the Council maintained Verulamium Park, there can be no guarantee that existing trees will remain in perpetuity because they can disappear for any number of reasons, such as disease, weather or accidental damage. Conditioning the use of blinds to block out light would be unenforceable as it would not be possible to require occupiers to close the blinds on every occasion when lights are put on. There would also be significantly greater amount of noise and disturbance associated with the increased number of residential units which would draw attention to the overly developed nature of the site.
15. In any case, heritage assets are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views can be gained. The extension development at 30 King Harry Lane is of smaller extent than that before me and every proposal has to be considered on its own particular planning merits.
16. By reasons of the bulk of the new apartment building and coach house, the loss of spaciousness and landscaped context, the development would fail to preserve the character and appearance of SACA, as a whole, in conflict with the requirement of s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The changes to the building and site would be great, causing harm to the significance of the NDHA. Cumulatively, these effects would adversely affect the setting of the SM, its value and importance as an identifiable and understood historic feature, and its significance.

Living conditions

17. Top floor apartment 8 would be mainly enclosed within the main building's roof. Its living room/kitchen and bedroom would be served by rooflights, including the two innovative rooflight windows straddling the eaves. However, the main living room/kitchen would still only be served by one small window providing outlook. There would be ceiling rooflights within this room of the apartment, but these would not provide significant outlook because of their skyward position. Such window arrangements would adversely affect residents' outlook and their living conditions.
18. Outlook from the bedrooms of apartments 1 and 2 would be towards trees, and an apartment 1 bedroom would also be towards a glazed screen. However, they have living/dining/kitchen spaces unaffected by trees with acceptable outlook. There would be little outlook for the living areas within the basements of apartments 5 and 6. However, these maisonette type apartments have further accommodation at ground floor above, with adequate outlook. As such, outlook for these apartments would be acceptable.
19. The proposed coach house would be positioned close to the common boundary with the property at 1 The Ramparts. The ground level part of the appeal site would be higher than No 1 and the height of the coach house at its maximum would be approximately 7.6m. However, much of it would flank onto the side garage of the neighbouring dwelling and, where it flanks onto the garden of this dwelling, the coach house would be stepped back from the boundary. Accordingly, there would be no significant impact on the outlook of occupiers of the neighbouring property.

20. Residents of apartment 7 would be able to look down from their living/dining/kitchen to the garden and terrace outside the rear of the coach house. However, this is one of two windows serving this living space and there should be no reason why a planning condition could not be imposed to obscure glaze this window to prevent any adverse overlooking.
21. Nevertheless, for the reasons indicated, the living conditions of the future residents of the apartment 8 would be adversely impacted upon by virtue of poor outlook.

Heritage and Planning Balance

22. The proposed development would fail to preserve the character and appearance of the SACA and adversely affect the setting of SM. The degree of harm to the significance of the SACA and SM, as designated heritage assets, would, in each case, be less than substantial, in terms of the Framework. In accordance with paragraph 202 of the Framework, the harm to each of designated heritage assets, should be weighed against the public benefits of the proposed development.
23. The proposal would provide a net increase of 9 dwellings boosting housing land supply where there is a deficient 5 year housing land supply and where the Council has failed to achieve the latest housing delivery test. The development would make a more effective use of land in meeting the need for homes in a location with good access to services and facilities. However, the contribution to the overall mix and supply of housing would be modest by virtue of the number of additional residential units.
24. The UU obligations would secure contributions to public infrastructure in accordance with Policy 143B of the LPR and Planning Obligations Guidance - Toolkit for Hertfordshire document, 2008. Based on the policy, guidance and local authority responses, they would be 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. Accordingly, the obligations would meet the statutory tests of Community Infrastructure Regulations 2012 (as amended) and paragraph 57 of the Framework. Importantly, the infrastructure contributions would directly meet the needs arising from the development and therefore, the weight to be given to the public benefit of these infrastructure contributions would be negligible.
25. There is no existing overlooking issue between the existing dwelling on site and the property at 1 The Ramparts. Therefore, there would be no public benefit, based on privacy, for the occupiers of this neighbouring property through the erection of the coach house.
26. Therefore, for the SACA, the modest public benefits, which would accrue from the proposal, would not be sufficient to outweigh the less than substantial harm identified and the considerable importance and weight this carries. In respect of the SM, the sum of public benefits would also not outweigh the less than substantial harm identified. Therefore, for each designated heritage asset, conflict arises with the historic environment protection policies of the Framework. Under the Framework, the conflict with the historic environment policies would provide a clear reason for refusal.

27. Conflict would arise with Policies 85, 87, and 109 of the St Albans District Local Plan Review (LPR) 1994, which collectively and amongst other matters, requires development to be of a high standard of design, preserve or enhance the character or appearance of Conservation Areas, be sympathetic to its surroundings and the Conservation Area as a whole, for locally listed buildings, architectural or historic interest is preserved and the amenity of ancient monuments should be preserved by resisting proposals within scheduled areas which would detract from their character. In so far as these policies seek to preserve the historic environment, they are broadly consistent with the Framework and for this proposal, I attribute great weight to the conflict with them.
28. Additionally, the harm to the outlook of future residents of apartment 8 would result in conflict with Policy 70 of the LPR, which amongst other matters, requires new housing development to meet design and layout objectives in creating attractive spaces of human scale.
29. There would be conflict with the development plan, taken as a whole, and there would be no material considerations that indicate that it should be determined other than in accordance with the development plan.

Conclusion

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

Jonathon Parsons

INSPECTOR