



Appeal Decision

Site visit made on 18 May 2023

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th July 2023

Appeal Ref: APP/B1930/W/22/3300856

Butlers Yard, Drover's Way, St Albans, AL3 5FA

- 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 Aldenham Residential Property Development against the decision of St Albans City Council.
 - The application Ref 5/21/3509, dated 14 December 2021, was refused by notice dated 8 April 2022.
 - The development proposed is construction of additional storey to provide four new flats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character or appearance of the area bearing in mind it would be within the St Alban's Conservation Area and within the setting of the Grade II* listed St Peter's Church.

Reasons

3. The appeal property is a four-storey modern building within the St Alban's Conservation Area (CA) and relatively close to the grade II* listed St Peter's Church (St Peter's Church). Although there are numerous other heritage assets nearby, the Council have only alleged harm to the significance of these heritage assets, and I find no substantive evidence to lead me to a different conclusion.
4. The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard to be given to the desirability of preserving a listed building or its setting and any features of architectural or historic interest it possesses. The same act also requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Furthermore, paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Significance of the CA and St Peter's Church

5. The CA covers a large part of the city, including King Harry Lane and Verulamium Park. With areas of Roman, Saxon, Medieval, Georgian, Victorian, and Edwardian development focussed around a historical commercial centre it has a rich variety of high quality traditional architecture dating from many

different periods. The varied architecture and historic street pattern illustrate the evolution of the settlement through many different phases of development. Landmark buildings such as St Peter's Church and the Abbey, located at opposite ends of a central spine road (St Peter's Street), pierce the skyline and are visible from some distance amongst the otherwise varied relatively low height roofscape.

6. St Peter's Church is of medieval origin although extensively rebuilt over centuries with its tower rebuilt and its nave extended in 1893-5. Built from brick, flint and limestone with a slate roof, it has a rich variety of high quality architectural ecclesiastical features including, clasping buttresses with conical ashlar pinnacles and traceried windows. Its tower is visible from some distance.
7. Insofar as is relevant to this appeal the significance of the CA derives from the evolution of the settlement over centuries, the rich variety and varied age of the traditional architecture and its roofscape, the topography and its associated landscape setting. Insofar as is relevant, the significance of St Peter's Church is founded on its high quality architectural detailing, its positioning on high ground, its historical role as a place of worship and its associated landmark and communal value.

Effect on the CA and St Peter's Church

8. The modern appeal building forms part of the Drover's Way road frontage which has a service character running parallel with St Peter's Street. The building is long and narrow with its ground floor finished in brick and the upper floors mainly white rendered and glass. It has terracotta hung tiles on its corner to Drover's Way and an alleyway which connects to St Peter's Street. Although, grey vertical louvres add architectural interest, the white rendering to each floor extends in prominent bands along the length of the building, which is much longer than it is tall giving it a pleasant horizontal emphasis.
9. The proposal would extend the appeal building upwards to create an additional storey and four new dwellings. I accept the proposal would not result in a building which would be significantly taller than the existing buildings nearby, particularly the Premier Inn and Travelodge buildings. I have also considered all the relevant street scene drawings and images which show how the proposed development would look in its context.
10. However, the proposed upward extension would only be set back a relatively small distance from the edge of the existing roof. When experienced from street level, it would appear to extend around most of the perimeter of the appeal building. Although I acknowledge the attempt to reflect the angular detailing, the proposed extension would be finished in cladding with a variety of different window openings which would have a very different character to the fenestration of the existing appeal building. In my view the proposal through its scale, conflicting finish and fenestration would not be lightweight, nor would it sit comfortably. Instead, it would appear as a noticeable and obvious upwards extension to a pleasant and well considered building. Consequently, it would be in conflict with the character of the existing appeal building and would appear as a prominent and incongruous feature of the Drover's Way street scene.

11. The appeal site is also within the Council's Building Height Control Area as designated by saved Policy 114 of the City and District of St Albans District Local Plan Review (1994) (LP). This says applications which exceed existing eaves, parapet or ridge height will generally be permitted only if the scale of the proposed building is appropriate to the street scene. However, for the reasons given above, irrespective of any long distance views, I have found the scale of the proposed development is not appropriate to the street scene. The proposal is therefore in conflict with saved Policy 114 of the LP and the proposal would fail to preserve the character or appearance of the CA and the significance of the CA as a whole.
12. In reaching these conclusions, I acknowledge the Council's comments with regard to the proposal being visible in long range views from Verulamium Park, and that it would breach the skyline, compromising views of the historical city and its roofscape and the setting of St Peter's Church. I have also considered the relevant appeal decisions¹. However, the conflict with the existing building, I have identified above relates directly to this site and would not be noticeable from such views in the context of the buildings that would immediately surround it². Thus, with the absence of substantive evidence to the contrary, I am not convinced the proposal would be noticeable to the extent that it would harm any historic view of the city or the setting or significance of St Peter's Church as a landmark traditional building in the CA or as a designated heritage asset in its own right.

Planning and Heritage Balance

13. The Council is unable to demonstrate a five-year supply of deliverable housing sites. The appellant considers that the Council only has 2.2 years of housing land supply, which constitutes a significant shortfall. This is not contested by the Council.
14. The harm I have identified to the significance of the CA would be less than substantial towards the lower end of the range. In which case paragraph 202 of the Framework requires it to be weighed against the public benefits of the proposals, including where appropriate, securing optimum viable use.
15. The proposal would provide four new dwellings where the occupants could easily access services, facilities and employment without dependence on a private car, this is a public benefit, to which in the context of the Council's land supply position, I attach substantial weight. There would also be economic benefits associated with construction and local expenditure, which carries significant weight. There are also environmental benefits associated with the more intensive use of the appeal site, which also carries weight in favour of the proposal.
16. However, all these public benefits combined, are insufficient to outweigh the great weight I must attach to the harm I have identified to the CA in this case. The application of policies in the Framework that protect areas or assets of particular importance therefore provides a clear reason for refusing the development proposed.

¹ Appeal Reference APP/B1930/W/20/32610643261064 & APP/B1930/W/20/3263521

² Taking into account developments approved by the Council references 5/2019/3099 & 5/2020/2978 all others referred to in the evidence.

17. Overall, I therefore find the proposed development would fail to preserve the character or appearance of the CA contrary to the respective sections of the Act and the Framework. For the same reasons, on balance, it would also conflict with the development plan, particularly saved Policies 2, 69, 70, 85 and 114 of the LP which amongst other matters seek to ensure that proposals preserve or enhance the CA and are of an overall character that complements the parent building and its surroundings.

Conclusion

18. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR