



Appeal Decision

Site visit made on 14 June 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2023

Appeal Ref: APP/B1930/Y/22/3312693

61 Fishpool Street, St Albans, Hertfordshire AL3 4RU

- 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 and Mrs Denton against the decision of St Albans City Council.
 - The application Ref 5/22/2098LB, dated 19 August 2022, was refused by notice dated 1 November 2022.
 - The works proposed are described on the application form as 'retrospective approval to retain lime mortar pointing and permission to complete remaining lime mortar pointing to match'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The works relate to a listed building located within a conservation area. The Council's reason for refusal concerns only the effects of the works to the significance of the listed building. In this respect I have had special regard to the requirements of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). However, mindful of my statutory duty under section 72(1) of the Act, I have also paid special attention to the desirability of preserving or enhancing the character or appearance of that conservation area. As both parties have addressed this issue in their evidence, I am satisfied their interests are not prejudiced by this approach.
3. At the time of my site visit the works had, in part, occurred.

Main Issue

4. The main issue is whether the works preserve the Grade II listed building, Kitchener's Meads, or any features of special architectural or historic interest that it possesses, and the extent to which the works preserve or enhance the character or appearance of the St Albans Conservation Area.

Reasons

Special interest and significance

Listed Building

5. The appeal site comprises a dwelling known as 61 Fishpool Street set within a large garden plot. It forms part of a Grade II listed building, known as

Kitchener's Meads, comprising of Nos 57-61 Fishpool Street. The building dates from the 17th and 18th centuries.

6. The appeal building maintains an aesthetically pleasing form, constructed in red brick with a pitched tile roof over. A number of changes have occurred to the rear of the building over time, including the erection of extensions and the replacement of window and door openings. The mortar across the building's elevations has also been repaired in places over time. Nevertheless, this has not unduly eroded the appeal building's intrinsic heritage merit, or the contribution it makes to the listed terrace.
7. Based on the evidence before me, I find that the listed building's special interest and significance is primarily associated with its architectural and historic interest as an illustration of 17th and 18th century domestic architecture, together with its value as part of a group. Important contributors in these regards, which are pertinent to the appeal, are its surviving historic fabric and the use of traditional construction techniques and materials.

Conservation Area

8. The appeal property is also located within the St Albans Conservation Area (CA) and specifically within the Fishpool Street and St Michael's Village Character Area, which principally encompasses properties within Fishpool Street and St Michael's Street, many of which form listed buildings.
9. The special interest and significance of the CA is largely derived from the preservation of its historic and picturesque townscape and village-like character, with Fishpool Street in particular lined by predominantly red-brick dwellings. Insofar as the appeal is concerned, a sense of consistency is retained along the street in respect of materials and their treatment, albeit there are some limited variations in mortar types and pointing methods on close inspection. The appeal property, as a prominent red-brick terraced house at the curve in Fishpool Road, positively contributes to the character and appearance of the CA and thereby to its significance as a designated heritage asset.

Appeal proposal and effects

Listed building

10. The works involve the repointing of No 61 with a lime mortar. It is set out by the appellant that a mortar specification of 'NHL 3.5' is recommended, based on the advice of The Scottish Lime Centre Trust (SLCT).
11. As noted above, much of this repointing has already occurred, with limited areas proposed to be completed to the rear of the building. The replacement mortar appears bright, with wide and largely uniform mortar joints. Whilst the removal of the historic pointing may not have widened some joints, others have clearly been widened. On the balance of probabilities, this would have caused damage to the building's surviving historic fabric, namely its brick.
12. The combination of widened joints and overtly bright mortar gives a prominence to the mortar rather than to the primary material of the red brick, altering the character of the property's principal elevation, and its important but unassuming contribution to the listed terrace.

13. I do not doubt that areas of the historic mortar needed attention and repair, particularly where lime mortar had worn and deteriorated over time. I am also aware that an inappropriate concrete mortar had been used for historic ad hoc repairs, resulting in some mismatched areas of pointing across the building. Moreover, it is typically accepted that cementitious mortars can result in long term damage to traditional buildings.
14. Nevertheless, based on the evidence before me and my observations on site, I am not of the view that the previous mortar treatment, which was of a more inconsistent nature, had a detrimental impact on the appearance of the listed building. Rather it had a neutral effect that was consistent with much of the wider street. In my view, a lack of consistency, with visible areas of repair and maintenance over time, adds to the character of a building, and tells a story of its evolution whilst ensuring an authentic historic appearance is retained. The works at the appeal property have resulted in the removal of previously applied mortar in favour of a stark, uniform treatment.
15. Whilst I accept that the use of lime mortar as opposed to cement is an improvement, the extent of any benefit to the building, or those adjoining, is very much dictated by the type and properties of the lime and the proposed lime mortar mix. I also recognise the moderate exposure of St Albans to wind-driven rain. However, there is no substantive evidence before me that demonstrates that a consideration of the local context or street in terms of the density of development or orientation of the building was undertaken before the appropriate mix was chosen or the works commenced. Moreover, the evidence submitted in relation to the mortar supplier shows that its guidance is indicative, requiring the correct mix ratio for the location and environment. No site-specific information about the mortar mix has been provided. On that basis, I cannot be certain that the NHL 3.5 mortar is correct for the appeal property.
16. Even were I to accept an appropriate mortar mix has been applied here, there is no substantive evidence before me to demonstrate that the removal of all previous mortar was required, including for example damage from water ingress, and that other, less harmful, approaches to the repair or replacement of that mortar have been explored. I also appreciate that the repeated removal of mortar, should this appeal be dismissed, has the potential to be damaging to the retained brickwork. Nevertheless, alternative works are not under consideration and, in any case, if carried out correctly, the removal of any mortar should not damage brickwork.
17. Ultimately, the works before me fail to preserve the special architectural and historic interest of the listed building.

Conservation Area

18. The works have resulted in a stark, uniform mortar treatment which is highly prominent within the streetscape. This is at odds with the historic appearance of the appeal property which had a prominent but unassuming appearance within the wider terrace and townscape. The works fail to correspond to the prevailing character and appearance of the street.
19. The works harm a building of importance and prominence within the townscape and therefore diminish the positive qualities of the CA as a whole.

Conclusion

20. Overall, I conclude that the works fail to preserve the Grade II listed building, Kitchener's Meads, or any features of special architectural or historic interest which it possesses; and fail to preserve or enhance the character or appearance of the CA. This is contrary to the requirements of Sections 16(2) and 72(1) of the Act. Consequently, the works harm the significance of these designated heritage assets. This harm is of considerable importance and weight in the planning balance.

Public benefits and balance

21. Paragraph 199 of the Framework advises that when considering the impact of any works 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 alteration or destruction of the heritage asset or works within its setting and that this should have clear and convincing justification.
22. With reference to Paragraphs 201 and 202 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the extent of the works relative to the building, and wider CA, as a whole, I find the harm to be 'less than substantial' in this instance. Nevertheless, that harm is of considerable importance and weight. Under such circumstances, Paragraph 202 advises that this harm should be weighed against the public benefits of the works, which includes securing the asset's optimum viable use.
23. I acknowledge that there is some public benefit deriving from investment into the fabric of the listed building and note arguments in respect of the future significance of the building, and its neighbours, being preserved. However, there is no evidence before me to suggest the works would be the least harmful means of achieving such benefits, nor that the works are necessary to secure the listed building's optimum viable use. There is no evidence before me that demonstrates that the cementitious mortar was causing problems to the property or adjacent buildings prior to the works. Consequently, the weight that can be attached to this matter is limited.
24. I also acknowledge the economic benefits of the works, through the purchase of materials and employment during implementation. However, those benefits would be minimal and would not be sufficient to outweigh the harm I have found.
25. Overall, the weight that I ascribe to the public benefits that would accrue from the works is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found. The works fail to preserve the Grade II listed building, Kitchener's Meads, or any features of special architectural or historic interest which it possesses, and fail to preserve or enhance the character or appearance of the CA. The works are contrary to the requirements of sections 16(2) and 72(1) of the Act, and the relevant provisions within the Framework which seek to conserve and enhance the historic environment. The works also conflict with Policies 85 and 86 of the St Albans District Local Plan Review (1994), which in summary seek that development sustains the significance of heritage assets.

Other Matters

26. I note the support of neighbours to the works. However, this has not lead me to conclude differently on the main issue.

Conclusion

27. For the reasons given above, having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR