



Appeal Decision

Site visit made on 22 August 2023

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2023

Appeal Ref: APP/B1930/D/23/3318279

113 Verulam Road, St Albans, Hertfordshire AL3 4DL

- 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 Leicester against the decision of St Albans City & District Council.
 - The application Ref 5/22/2433, dated 3 October 2022, was refused by notice dated 27 January 2023.
 - The development proposed is fitting of solar panels to south (rear) pitched roof. Panels to be rack mounted and include 9 panels.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the St Albans Conservation Area, having particular regard to the status of the appeal property as a locally listed building.

Reasons

3. The appeal site is located in the St Albans Conservation Area, which covers the historic core of St Albans as well as the site of the Verulamium Roman town. I have not been provided with a formal designation statement or character appraisal, but the evidence suggests that the significance of the Conservation Area lies in the collection of buildings and street patterns that reflect the evolution of the town. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
4. The appeal property is in a prominent position as part of a terraced row of dwellings on Verulam Road. Its rear elevation faces an area of parkland, named by the Council as 'The Brickie'. Views of the site help to anchor the parkland within its historical setting, and therefore preserve the relationship between the open space and the buildings around it. This relationship remains intact despite some rear extensions and roof alterations to dwellings that overlook the park. The rear elevation of the appeal property therefore forms an integral part of the character and appearance of the Conservation Area and contributes positively to its significance as a designated heritage asset. The building is also locally listed and therefore it qualifies as a non-designated heritage asset.

5. The solar panels would be black with faint white lines and they would have a shiny appearance. This would be materially different to the dwelling's original slate roof and would contrast with the faded red tiles, which would continue to frame the panels. The proposal would not affect the Verulam Road frontage; however, the solar panels would stand out in views from The Brickie and New England Street despite the shallow roof pitch and intervening distance and vegetation. The development, by way of its reflective and modern appearance, would be visually discordant within the historical setting and would neither preserve nor enhance the character or appearance of the Conservation Area.
6. The harm to the significance of the heritage asset would be less than substantial. Nevertheless, it would constitute harm and this attracts considerable weight and importance in my decision. Paragraph 199 of the National Planning Policy Framework (the Framework) requires me to attach great weight to the conservation of the Conservation Area. There would be some private benefits arising from the proposal, including a financial return for the occupier. However, paragraph 202 of the Framework specifies that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against its public benefits.
7. The public benefit that would arise would be the contribution the development would make to carbon reduction and climate change mitigation. In support of the appeal, the appellant has drawn my attention to the Council's broader support for climate change mitigation measures and its solar panel initiative. Notwithstanding this, the development plan is silent on the matter of climate change mitigation and is therefore inconsistent with the more up-to-date national policy. Paragraph 158 of the Framework recognises that even small-scale renewable energy developments provide a valuable contribution to cutting greenhouse gas emissions; and that such applications should be approved if its impacts are (or can be made) acceptable. Whilst I have taken full account of the importance of renewable energy generation, the carbon benefits of installing solar panels on the appeal property would be very modest. The public benefits would not, therefore, outweigh the harm to the Conservation Area and the locally listed building as heritage assets.
8. I conclude that the appeal scheme would fail to preserve or enhance the character or appearance of the St Albans Conservation Area and would cause harm to its significance as a designated heritage asset. This would be contrary to saved policy 85 of the City and District of St Albans District Local Plan Review 1994 (The St Albans LBR), which expects special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. There would also be conflict with saved policy 69 of the St Albans LBR which, amongst other things, expects the design of development to take account of its context.
9. The development would also cause harm to the host dwelling, which is a non-designated heritage asset, and this harm would not be outweighed by other material considerations. It would therefore be in conflict with saved policy 87 of the St Albans LBR insofar as it resists alterations to locally listed buildings unless features of architectural or historic interest are preserved.
10. In its reasons for refusal, the Council has referred to Policy 72 of the St Albans LBR. This policy refers to extensions to dwellings and other buildings in

residential areas and therefore it has not been determinative in my consideration of the appeal.

Other Matters

11. The appellant contends that the proposal would comply with the criteria for national permitted development rights relating to the installation of solar photovoltaics. However, such rights have been withdrawn by Article 4 direction and therefore there is no permitted development fallback.
12. The proposed development has some local support, and the appellant advises that the occupants of some neighbouring dwellings also wish to improve the sustainability of their properties by installing solar panels. The Council has no specific guidance on the installation of solar panels in the Conservation Area. It would not be appropriate to require the Council to prepare such guidance, or to carry out stakeholder engagement, through a condition on the appeal scheme. This is because it is not necessary in my determination of the appeal. Moreover, the requirements of such a condition would be out of the control of the appellant and would therefore be unreasonable. In any event, the lack of guidance does not obviate the need for good design, with each case being considered on its merits.
13. In reaching this conclusion, I have taken into account Article 1 of the First Protocol of the European Convention on Human Rights as enshrined in the Human Rights Act (1998), which states that every natural or legal person is entitled to the peaceful enjoyment of his possessions and that no one shall be deprived of his possessions except in the public interest, and subject to the conditions provided for by law and by the general principles of international law. There would be interference with the occupier's rights under this Article. However, there is a legitimate aim which is to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, which is in the wider public interest.

Conclusion

14. The proposal conflicts with the development plan in respect of its impact on heritage assets, and when read as a whole. There are no material considerations before me to indicate a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

E Catchside

INSPECTOR