



Appeal Decision

Site visit made on 8 August 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th December 2023

Appeal Ref: APP/B1930/W/22/3313716

113-115 London Road, St Albans AL1 1LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by SRJC Properties against St Albans City Council.
 - The application Ref 5/2022/0431, is dated 16 February 2022.
 - The development proposed is described as “demolition of existing buildings and erection of a part 3-storey, part 4-storey, part 5-storey building comprising 10 apartments.”
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The appeal follows the Council’s failure to determine the application within the prescribed period. However, the Council has indicated in its statement, which had it been in a position to determine the application, it would have refused planning permission. The substance of the Council’s statement has informed the main issue of the appeal.

Main Issues

3. The main issues are whether the proposed development would preserve or enhance the character and appearance of the St Albans Conservation Area (CA), and whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to natural light.

Reasons

Conservation Area

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.
5. The CA covers an extensive urban area in the centre of St Albans. It derives its significance as a historically important highway leading into the city, flanked by buildings of mixed character reflecting styles from the early 19th century and

onwards. This diversity is particularly noticeable in the vicinity of the appeal site where buildings vary significantly in age and appearance.

6. The appeal property is a pair of semi-detached buildings, which would have historically been dwellings. They are finished in red brick, with red tile roofs which, along with render, are common materials in this part of the CA. The appeal building has been altered over time with the introduction of advertisements, dormer windows and window alterations. The building has somewhat fallen into a state of disrepair with boarded up windows and loss of tiles apparent from London Road. Therefore, the appeal property as a whole makes a neutral contribution to the character, appearance and significance of the CA.
7. The proposed development would replace the existing building with a five-storey building, the top floor would be set back from the front elevation. The proposed buildings would be finished in facing brick and render.
8. The proposed building, whilst comparable in height to a number of buildings within the vicinity, would have an additional element to accommodate the staircase/lift, which would project upwards above the height of nearby buildings. Whilst the contemporary style design of the proposed building has some merits, the scale and massing of the proposed building would nevertheless be substantial in this location. Although set back from the boundaries and set back at roof level, the overall scale and massing of the proposed building would be significantly larger than the existing building on the site, with the proposals full height continued for the entire depth of the building. Additionally, with the staircase/lift element it would appear taller than the similarly designed flats to its rear.
9. This would be further exacerbated by the proposal's prominent position at a mini roundabout which would be visible from a number of public vantage points along London Road and Alma Road. The proposed development would, apart from a strip of open space to the rear, almost fill the entire plot providing limited opportunity to soften the impact of development through a landscaping scheme. I therefore consider that the proposed development, by virtue of its scale, layout and design, would fail to promote or reinforce the distinctive characteristics of the area and would adversely harm rather than positively contribute to the character and appearance of the area.
10. I have had regard to similar developments in the vicinity, however these are either set back from London Road or are smaller in scale and are not located in such a prominent position on a junction. As such, the proposals are not directly comparable.
11. Given the location of the appeal site within the CA, special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the area I consider that the appeal scheme, by virtue of its scale, layout and design would have a negative material impact and would fail to preserve or enhance the setting of the CA and would harm the setting of the adjacent locally listed building.
12. Given the scale of the development, the harm would be less than substantial but in accordance with paragraph 202 of the National Planning Policy Framework (the Framework), that harm should be weighed against any public benefits to the proposal. I note that the appellant has stated that the proposal

would provide housing. However, the appellant also states that permission has been granted to convert the existing buildings in to 10 dwellings. The dwellings could therefore be provided without the harmful impact which I have identified. As such, I find insufficient public benefit arising from this proposal to offset the identified harm to which I attach significant weight.

13. 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 69, 70 and 85 of the City and District of St Albans District Local Plan Review (1994) (LP) which, amongst other things, seek to ensure that proposals preserve or enhance the CA and are of an overall character that complements its surroundings.

Living Conditions

14. The Council's concerns relate to Flat 6, which would be located at the lower ground floor level, at the rear of the proposed building. With the appeal the appellant has submitted a daylight assessment. Whilst this was undertaken for a previous scheme at the site, the appellant has also submitted drawings to detail that whilst the layout for Flat 6 has been altered, it has only changed through the introduction of an internal courtyard and the provision of floor to ceiling windows to this which would likely provide additional lighting to the accommodation.
15. Flat 6 would be the lowest flat in the proposed development. It would consist of living, kitchen/dining area and bedroom that would all face on to an inner courtyard with floor to ceiling windows. Additionally, the bedroom and living area would have access to a balcony which would also have floor to ceiling windows. Additional smaller windows would be provided for the kitchen and bathroom.
16. Whilst flat 6 would be located at a low level, the submission details that, even without the courtyard area, sufficient light would be provided. The introduction of the courtyard area, in combination with the floor to ceiling windows provided to all rooms apart from the bathroom, would ensure that the habitable rooms would be sufficiently naturally lit. Whilst due to the obscure glazing there would be a limited outlook from balcony windowing, further outlook from the flat would be provided via the remaining windows.
17. The proposed development would therefore have an acceptable effect upon the living conditions of future occupiers. This would comply with LP Policies 69 and 70 and paragraph 130 of the Framework that seeks high standards of amenity for existing and future users.

Other Matters

18. The Council is unable to demonstrate a five-year housing land supply. Where this is the case, paragraph 11 of the Framework advises that the policies which are most important for determining the application should be deemed out of date unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing development. Footnote 7 lists one such area as designated heritage assets. As I have found harm in relation to the impact of the proposal on the CA paragraph 11 d does not apply.

Conclusion

19. For the reasons given above I conclude that the proposal would fail to accord with the development plan and there are no material considerations, including the Framework, that would indicate planning permission should otherwise be granted. The appeal should therefore be dismissed and planning permission is refused.

Tamsin Law

INSPECTOR