



Appeal Decision

Site visit made on 1 December 2023

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State.

Decision date: 21st December 2023

Appeal Ref: APP/B1930/D/23/3327739

6 Ashwell Street, St Albans, AL3 5JY

- 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 V Shaw against the decision of St Albans City and District Council.
 - The application Ref 5/23/0365, dated 19 February 2023, was refused by notice dated 4 August 2023.
 - The development proposed is described as the partial demolition of existing rear structure, facilitating loss of workshop, alterations to existing rear habitable accommodation. Alterations to boundary walls and reintroduction of courtyard garden (resubmission following refusal of 5/2022/1818).
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Decision

1. The appeal is allowed and planning permission is granted for the partial demolition of existing rear structure, facilitating loss of workshop, alterations to existing rear habitable accommodation. Alterations to boundary walls and reintroduction of courtyard garden (resubmission following refusal of 5/2022/1818); at 6 Ashwell Street, St Albans, AL3 5JY; in accordance with the terms of the application Ref: 5/23/0365, dated 19 February 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three [3] years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 'Demolitions Elevations Proposed – Internal Flank Elevation,' Drawing Number 102, Dated 20220629;
 - 'Demolition Elevations Proposed – Side and Flank Elevation,' Drawing Number 102, Dated 20220629;
 - 'Extensions Floor Plans Proposed,' Drawing Number 201, Dated 20220713;
 - 'Site Plan Proposed,' Drawing Number 22/SPP, Dated 20/11/03;
 - 'Demolitions.'
 - 3) The materials of the proposed extension shall match the existing building in terms of size, colour, material and texture.

Preliminary Matters

2. I have taken the description of the application from the Council's decision notice as this more accurately describes the number of elements which make up the application. This description is also mentioned on the applicant's appeal form.
3. Having reviewed the documents as part of the original application and appeal, I note that from reading the appellant's submitted Heritage Statement (HS), that it contains a number of factual errors. The HS states that the building is Grade II listed, whereas the building is confirmed by the Council as being a Locally Listed Building, or non-designated heritage asset. The HS also mentions that the building is Georgian in design and dates from the eighteenth century. This is also incorrect as judging by the construction and design of the building, it is clearly Victorian in design and would appear to date from the late nineteenth century. Given these inaccuracies, I am not convinced of the contents of the HS accurately reflect the building in question, or its significance and I therefore give limited weight to this document. Additionally, I note commentary within the Design and Access Statement with regards to heritage significance which appears more accurate and I will take this into consideration in this appeal. Despite this, I have enough detail within the application to make a judgement towards the appeal site's significance.

Main Issue

4. The main issues are the effect of the proposal upon the significance of the locally listed building and the character and appearance of the greater locality, with special attention given to the St Albans Conservation Area (CA).

Reasons

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA), in respect of development affecting conservation areas, states that special attention shall be paid to the desirability of preserving or enhancing the character and/or appearance of the area. Additionally, Paragraph 203 of the National Planning Policy Framework (the Framework) states that applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
6. In terms of local policy, the St Albans City and District of St Albans Local Plan Review 1994 (LP) Policy 69 seeks that development meets key design objectives and principles for delivering high quality development such as appropriate consideration of context and materials. LP Policy 72 is related to extensions and seeks that scale and character is appropriate and that the extension is compatible with the original building, particularly in conservation areas. LP Policy 85 is related to development within CAs whereby development should pay special attention to the desirability of preserving and enhancing the character of the CA.
7. LP Policy 87 is specifically related to locally listed buildings and appears to be relating to complete demolition or loss of a listed building rather than partial demolition. Despite this, in assessing demolition, the policy seeks that there is consideration of 'substantial planning benefits to the community which decisively outweigh the loss resulting from demolition,' and there are suitable

plans for any redevelopment and how it will fit into the area. Considering this policy against the Framework and the test under Paragraph 203 as described previously which relates to locally listed buildings, there is a clear conflict between LP Policy 87 and Paragraph 203 of the Framework around the assessment of Locally Listed Buildings and the balancing exercise to be undertaken. Given the substantial age of LP Policy 87, I afford more weight to the balancing exercise as presented in Paragraph 203 of the Framework which does not contain the need to give 'substantial planning benefits to the community.'

8. The CA's significance is highlighted in the St Albans Conservation Area Appraisal, Character Area 7K¹, where relevant components of the significance in relation to the appeal site relate to the Victorian expansion of the area with speculative small scale artisan terraces from the mid-nineteenth to the turn of the twentieth century. Housing which was developed reflected the topography of the area where land slopes away slowly towards the River Ver to the West. Ashwell Street was developed as part of the Victorian expansion and joined the ends of West View Road and Cannon Street, with commercial premises such as a large laundry (now monument place) and a bakery and shop at No.6 (the appeal site). The majority of the dwellings within the CA are locally listed. The use of traditional materials such as timber, brick and slate along with the linkage to Victorian design techniques and materials reinforce a uniformity and authenticity which creates a formal picturesque townscape. Traffic along Ashwell Road is slow and infrequent, with limited street lighting giving the area a tranquil feeling and experience. These elements, amongst others make up the local character and distinctiveness of this locality.
9. The appeal site displays a number of positive qualities of significance to the CA, being a building which is noted in the CA Appraisal as being a locally listed building and a positive element that contributes to the character and appearance of the area. The appeal building is two storeys tall, 2 bays wide with a canted bay window to the ground floor, constructed in brick with tiled roof and large chimney stack. Whilst there is the original two storey wing to the rear in situ, the remainder of the site contains built development in the form of a workshop area, which according to the appeal documents, was once a bakery. Looking at the form and construction of the extensions to the rear, there appear to be historic extensions behind the dwelling which have extended along the side and rear boundary which appear to date from the early twentieth century. Over time, further extensions appear to have been added, such as the first floor next to the original rear wing, and the early twentieth century extension to the rear appears to have been widened to the opposite side boundary in the mid-late twentieth century with this component of the workshop being constructed of concrete blockwork that is clad in brick.
10. Unusually the rear of the building is still a workshop, although none of the former equipment associated with the bakery appears to be present and it is unclear from the appeal documents when the use ended. The rear workshop is significant to the dwelling given that it represents the domestication of commercial activities which was common in the Victorian period. The addition of different extensions over time also illustrates the expansion and evolution of the business which is locally important for illustrating the use of dwellings for small scale enterprises. It would appear that the site was once larger, with the

¹ Folly Lane, Garden Fields and The Old Hospital

CA appraisal mentioning that plots along Ashwell street were larger, and it would appear that the rear commercial workshop was once more visible, given that there is now a recently constructed two storey infill development which has created a terrace with the appeal building and blocked through views to the rear.

11. Given the commercial use of the site, the appeal building does not have a 'domestic scale' as sought by LP Policy 72. The unusual length of the building which extends to the rear boundary is evidence that this was not a domestic dwelling or its history contained a form of development that was associated with other uses, such as one would experience with burgage plots. I note that LP Policy 72 places particular emphasis on the 'original building' particularly when this is within a CA, and to me, whilst the rear workshop and its evolution over time is significant, the more significant components of the workshop are those that were the original components of the historic workshop which originally extended to the rear boundary, compared to the later wider blockwork extension to the opposite side boundary. The proposed development would remove the concrete blockwork extension, but maintain the length of the extension to the rear boundary which would still enable an appreciation of the historic commercial use. This appreciation of the commercial component of the building is a result of the unusual length of the extension which would not be domestic in scale, but would be in keeping with the building's significance as a historic commercial enterprise.
12. That said, in relation to the CA, the proposal would retain the contribution of the domestication of commercial activities of a residential dwelling to the CA and would be an appropriate scale which is related to its significance, and therefore as a whole, would cause neutral harm to the significance of the CA.
13. With relation to the local listing of the building, the proposed partial demolition would cause harm to the significance of the locally listed building, predominantly in relation to the demolition of a later twentieth century addition which would affect the interpretation of the evolution of the building. As part of the balanced judgement taken under Paragraph 203 of the Framework, the removal of part of the rear workshop would facilitate the construction of a private garden space, which would bring substantial benefits to the living conditions of the occupants of the building as well as the short term economic benefits from the employment of labour in the construction/demolition of the proposed development. As described previously, the significance of the locally listed building in terms of its commercial use would be decipherable from the unusual length of the rear extension which would be beyond a domestic scale. Whilst I agree that the proposed demolition/reconstruction would be harmful to the significance of the locally listed building, on balance the harm is justified by the benefits of the development and with the retaining of integral elements of the significance in relation to the commercial activity.
14. Taken as a whole, and in conclusion of this matter, the proposal is considered to be an appropriate architectural approach which would cause neutral harm to the significance of the CA and would fulfil the duty under S72(1) of the PLBCA which seeks to preserve and enhance the character of the CA. Consequently the proposal is compliant with the policies of the National Planning Policy Framework and would be compliant with LP Policies 69, 72, 85 and 87 as described previously.

Conclusion and conditions

15. I conclude that the proposal is generally appropriate and would be compliant with the development plan on the basis of the reasons discussed and subject to the conditions listed at the beginning of this letter.
16. I have had regard to the context of the Framework and the National Planning Practice Guidance which advises that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The Council in their questionnaire has forwarded a list of proposed conditions should the appeal be allowed.
17. Suggested Condition 1 is a standard time limit condition for the commencement of works and Suggested Condition 2 details the approved plans. Suggested Condition 3 seeks that materials used are in accordance with the existing building. These conditions are standard conditions which are necessary and are required for the avoidance of doubt.

J Somers

INSPECTOR