



Appeal Decisions

Site visit made on 6 December 2023

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2024

Appeal A Ref: APP/B1930/W/23/3324962

163 Verulam Road, St Albans, Hertfordshire AL3 4DW

- 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 Mr Hanning against St Albans City and District Council.
 - The application Ref 5/2023/0281, is dated 2 February 2023.
 - The development proposed is described as 'minor internal alterations and the replacement of modern rear additions'.
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Appeal B Ref: APP/B1930/Y/23/3324963

163 Verulam Road, St Albans, Hertfordshire AL3 4DW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Hanning against St Albans City and District Council.
 - The application Ref 5/2023/0282 is dated 2 February 2023.
 - The works proposed are described as 'minor internal alterations and the replacement of modern rear additions'.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The appeals relate to a listed building which is located within the St Albans Conservation Area ('the CA'). I have therefore had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act').
4. The appellant has requested that I determine the appeals on the basis of amended plans (Proposed Elevations dated 17 May 2023 and Proposed Floor Plans dated 17 May 2023) which had been submitted to the Council before the appeals were made.
5. The amendments from the plans originally submitted with the applications include a reduction in the height, width and depth of the proposed rear extension. In addition, a ground-floor bay and cornice that were originally proposed to the single-storey part of the extension are omitted, roof lanterns are reduced in height and the design of the cornice to the first-floor level is simplified. Internally, a first-floor wall between the bathroom and Bedroom 3

en-suite is shown as aligning with the existing wall between Bedroom 4 and its dressing room and en-suite rather than in the position originally shown which the appellant advises was an error. A door is also shown between the utility room and reading room on the ground floor. Although this was not shown on the originally submitted 'proposed' plans, it is on the existing plans and indeed I saw that it is an existing feature. This amendment would not therefore involve alterations to the building that were not initially proposed.

6. The amendments are minor, and even taken cumulatively, I find that they would not result in a substantial difference or fundamental change from the proposal as originally submitted to the Council and considered by interested parties at application stage. The Council has been able to comment on the amended plans as part of the appeal process and has done so. Noting also the nature and extent of the amendments entailing slight reductions to the proposed rear extension and minor changes to its design and to the internal layout of the building, I am satisfied that my consideration of the amended plans would not unfairly prejudice the interests of any party. I have therefore determined the appeals on the basis of the amended plans.
7. In December 2023, the Government published a revised version of the National Planning Policy Framework ('the Framework'). The main parties were invited to comment on any implications for the appeals of this change and I have taken the representations made into account.

Main Issues

8. The main issues are:

- (i) the effect of the proposal on the special interest of the Grade II listed building, '163 Verulam Road' (Ref: 1103032) and any of the features of special architectural or historic interest that it possesses as well as whether or not the proposal would preserve or enhance the character or appearance of the St Albans Conservation Area; and
- (ii) the effect of the proposal on the living conditions of the occupiers of 161 Verulam Road in respect of outlook and light.

Reasons

Heritage Assets

9. The appeal building is a two-storey three-bay Italianate villa which the listing description dates to the earlier part of the 19th century. It is finished in painted stucco and includes a central porch with ionic columns beneath a balcony and a triangular pediment to the centre of the front elevation. A shallow pitched roof is concealed behind a blocking course over the cornice to the front of the building and parapets of distinctive profile, including curved rear sections, which run to either side of the roof.
10. A part two-storey, part single-storey projection extends from part of the main rear elevation closest to the boundary with 161 Verulam Road and there are single-storey extensions to the rest of the rear elevation. There have also been alterations to windows. Nevertheless, the overall form and classic proportions of the building are still plain and together with the retained detailing which is typical of the Regency period adds to the building's sense of historic grandeur and status. This sense is further reinforced by the elevated position of the

building above the street, overlooking a generous front garden and the Victoria Playing field which is a remnant of what was historically a much larger expanse of open land opposite the site. The adjacent buildings at 157-161 and 165 Verulam Road are of similar original design to the appeal dwelling, and the listing description notes that they form a group.

11. Internally, there have been alterations to fixtures and fittings and to the layout of the building including to form bathrooms, a dressing room and a utility room. The appellant's evidence also indicates that ceilings and plastering have been replaced. Nevertheless, the historic layout remains legible, most clearly to the front part of the building, and retained features such as the staircase, fireplaces, floor and skirting boards add to the historic character of the interior.
12. Given the above, I find the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with its architectural and historic interest as a fine example of a Regency villa which is part of an imposing group overlooking historically open land. The rear of the building has been subject to a greater extent of modern interventions than the front. Nevertheless, the continued legibility of the proportions of the historic building, and elements of its composition and historic detailing including the roof and parapets mean that it still adds to the special interest of the building. The retained historic fabric and legibility of much of the interior layout further contribute to the special interest of the building.
13. The St Albans Conservation Area ('the CA') encompasses a sizeable part of the city centre as well as open land that extends out around Roman remains to the south west. The area around the appeal site is predominantly residential, and is generally characterised by a mix of grand Regency properties amongst more modest, typically terraced, Victorian properties that often echo elements of the Regency style.
14. Insofar as it relates to this appeal, I consider that the significance of the CA is primarily associated with the quality of the buildings, many of which are historic, and the consistency in their traditional form and detailing which creates an attractive mix and illustrates the evolution of the area. The classical qualities of the buildings at 157-165 Verulam Road are conspicuous and while they have some alterations and are not identical, they form a coherent group of imposing buildings which make an important contribution to the character and appearance and thus the significance of the CA.

The effect of the proposal on the listed building

15. The proposal includes a part-single, part-two storey extension in place of the existing rear projections. There is no dispute between the main parties that the single-storey extensions to the rear of the building are modern additions, but the Council has raised concern that the two-storey projection dates from early in the building's evolution, and I note historic maps show a projection present in broadly this location since the late 19th century. However, approval was given for 'demolition of rear extensions and garage, construction of single and two-storey rear extension, new garage and garden store' in the 1980s. The Council suggests that this was not implemented, but limited details have been submitted to substantiate this view.
16. I was able to see modern blockwork, dampproof course and concrete flooring to the rear corner of the kitchen. The appellant's submissions also include

photographic evidence of modern materials to the first floor level and modern timber and fixings within the roof. I am unable to draw any firm conclusions in respect of the side wall along the boundary with 161 Verulam Road which the appellant accepts may retain historic fabric. However, I consider on the strength of the evidence before me that the rest of the projection is more likely to comprise modern fabric. The appellant indicates that the side wall would be retained as part of the proposal and I find that the special interest of the listed building would not be harmed by the loss of the modern fabric to the rest of the projection and single-storey additions.

17. The existing rear projections vary in design and there have been some uncharacteristic alterations to fenestration. I agree with the parties that a more consistent, rationalised approach could benefit the building. However, the alterations and existing projections are comparatively modest relative to the historic building, particularly at first-floor level, and while the two-storey projection extends above the eaves of the main roof, it does not seriously disrupt an appreciation of the overall roof form.
18. In contrast, the proposed extension would be significantly deeper than even the deepest part of the existing building and would be only minimally less deep than the historic core at ground-floor level. It would cover the full width of the ground-floor rear elevation, and while the first-floor would be of lesser width, the difference would be negligible with a set in of only around the width of the existing side wall. The elevations also indicate that the first-floor cornice would overhang the extension to extend out beyond the side of the building. I note the roof would be lower than the end of the side parapet walls and would not join them, but it would be only very slightly lower and the elevations indicate that it would sit above the eaves along the rear of the main roof.
19. Having regard to the combined height, width and depth of the extension, I can in no way agree with the appellant that it would be subservient. Instead, I find that its considerable bulk and mass would dominate and overwhelm the appeal building, significantly unbalancing its classical proportions and the ability to appreciate them. Moreover, it would drastically reduce opportunities for views of the historic building and its features including the roof and curved parapet detailing. I acknowledge that the set in of the first-floor may allow glimpses of the parapet from some viewpoints to the rear, but these would be very limited given how slight the set in would be and the cornice would in any event cut awkwardly across the bottom of the parapet in many views from ground level.
20. Furthermore, I share some of the Council's concerns about the design of the extension. The amended plans have simplified the detailing and reduced the height of the roof lanterns from the initial proposal. However, the Juliet balcony would be an incongruous detail and the uncharacteristically squat proportions and the opening style of the first-floor rear windows would also be at odds with historic windows to the building. The flat roof design would also emphasise the bulk of the extension and given its substantial scale, I find that the roof would be a highly dominant and discordant feature that would not sit well against the elegant grandeur of the building.
21. I find given the above factors that the extension would be a disproportionate and incongruous addition that would diminish the integrity and legibility of the listed building and that would cause significant harm to its architectural character and quality. The fact that the extension would have a more unified

design than the existing projections providing for greater symmetry to the rear of the building would not outweigh that harm.

22. In addition, the proposals would result in alterations to historic fabric through the formation of openings in place of three rear windows to the first-floor and one window to the ground-floor utility room; widening of the rear part of the hallways at ground and first floor level and the insertion of a lift. The extent of historic fabric affected would be small, particularly given previous interventions to the windows to be removed. The appellant's evidence also indicates that the lift would not affect any lath and plaster ceiling and that the joists that would have to be trimmed have already been extensively damaged. I also note the suggestion that bricks recovered from the formation of openings could be used to fill in an existing doorway between the dressing room and Bedroom 4. This would reduce the net loss of historic fabric.
23. Even so, the loss or displacement of fabric would result in some erosion of the special architectural and historic interest that the building possesses. The legibility of the historic layout and internal proportions of the building would also be reduced by the alterations to the hallways and the lift access. The proposal would therefore diminish the contribution that the interior currently makes to the special interest of the listed building, albeit that I find the degree of harm would be very minor.
24. Based on my observations, there would be some partial views of the extension from Portland Street. I saw that the rear of the existing parapet is also currently visible from Verulam Road between buildings and there would be glimpses of the extension roof beyond this. There would as a result be some public appreciation of the scale and relationship of the extension with the building. In any event, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of any public views.
25. Notwithstanding the previous interventions, I find for these reasons that the proposal would fail to preserve the special interest of the listed building and would cause it harm.

The effect of the proposal on the CA

26. For the reasons above, the proposal would undermine the architectural quality and integrity of the building which contributes to the character and appearance of the CA. Although the dwelling is currently less deep than Nos 161 and 165, the depth and near full width of the extension would result in a notably greater bulk and mass to the building, particularly to the upper level, that would stand out against these neighbours, further eroding the coherence of the group of Nos 157-165. Despite some screening by vegetation and surrounding built form, the extension would be appreciable from neighbouring properties and gardens as well as in partial views from Verulam Road and Portland Street. The effect would be localised and of limited magnitude, but I therefore find that the proposal would fail to preserve the character and the appearance of the CA causing harm to its significance.

Heritage balance and conclusion on heritage assets

27. I have found that the proposal would fail to preserve the special interest of the listed building and would cause it harm. It would also fail to preserve the character and the appearance of the CA, again causing harm.

28. The Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. It goes on to advise that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
29. In this case, the degree of harm to the listed building and to the CA as a whole would be less than substantial bearing in mind its extent and how it would affect their significance. Nevertheless, while the harm in each case would be less than substantial, I give it considerable importance and weight.
30. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
31. The appellant's Heritage Assessment refers to heritage benefits associated with the cleaning and repair of features to the front elevation of the building. Limited details have been provided and it is not clear from the evidence that these benefits would be dependent on this proposal which limits the weight that I afford to them. Furthermore, I consider that the effects on the special interest of the listed building and the significance of the CA would in each case be modest and far outweighed by the adverse effects of the proposal.
32. The Framework sets out that significant weight should be given to the need to support energy efficiency improvements to existing buildings. However, while the appellant asserts that the building would be more energy efficient, improvements are not detailed as forming part of the proposal and would in any case be likely to be limited in scale.
33. The proposal would provide additional and improved living accommodation for occupiers of the dwelling but this is essentially a private rather than a public benefit. Moreover, there is no firm evidence to demonstrate that the continued viable use of the appeal property as a dwelling is dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.
34. That said, I acknowledge the desire expressed by the appellant to provide wheelchair access and make the property accessible for a family member. No detailed evidence has been provided in terms of their specific needs. Nevertheless, alterations to make the dwelling more accessible and inclusive would be a wider social advantage that could be regarded as a public benefit. However, while I do not doubt that circulation and accessibility within the dwelling could be improved, there is no compelling evidence to show that this would be dependent on an extension of the scale and design proposed.
35. I accept that the harm associated with the loss or displacement of historic fabric and the alterations to the internal layout of the building would be limited (albeit of considerable importance and weight). However, even if I were satisfied that the lift could only be accommodated in this position as the appellant asserts and find that the accessibility benefits of the proposal would outweigh the limited harm caused by the internal alterations, the information before me does not provide clear and convincing justification that the extension, as it is proposed, is necessary to enable dignified and inclusive access.

36. Even taken together, I find in this context that the public benefits of the proposal would be insufficient to outweigh the totality of the harm that I have identified would be caused to the listed building, and nor would the benefits outweigh the harm to the CA.
37. I therefore conclude that the proposal would fail to preserve the special interest of the Grade II listed building 163 Verulam Road and the significance of the St Albans CA. The proposal would fail to satisfy the requirements of the Act and the Framework. There would also be conflict with Saved Policies 85 and 86 of the St Albans District Local Plan Review 1994 ('the LPR') which include requirements for sympathetic proposals that would preserve or enhance listed buildings and conservation areas.

Living Conditions

38. The appeal dwelling already projects some way deeper along the boundary with 161 Verulam Road than the closest part of the rear elevation of this neighbour. The single-storey part of the extension would not extend much beyond an existing wall on the boundary with No 161 and would be of similar height to this feature. However, the increase in the depth of the first-floor level would in my view be significant and would result in two-storey development extending a substantial distance beyond the rear of the closest part of No 161 which includes glazing at ground and first-floor levels.
39. Furthermore, the existing two-storey rear projection has a sloping roof which falls towards the boundary with No 161. Although the extension would be lower than the highest part of the roof of the existing projection, it would be taller at the eaves and would therefore increase the height of development on the boundary with No 161 in comparison to the existing situation.
40. In my assessment, the combination of the considerable depth of the extended first-floor level and its height in such close proximity to No 161 would present a highly dominant and overbearing feature in views from glazing to the closest part of the rear of this neighbour, harming outlook for occupiers. The height and depth of development along the boundary would also be imposing in views from the part of the garden closest to the rear of No 161 between the single-storey rear projections to that dwelling and the appeal site. The affected area would be small and effects on the overall enjoyment of the garden which is of generous size would be minor. Nevertheless, I find for these reasons that there would be a loss of outlook that would cause unacceptable harm to the living conditions of the occupiers of No 161.
41. The appellant has provided shadow diagrams suggesting that there would be negligible overshadowing to No 161 in comparison to the existing situation, and in fact a marginal improvement. However, outlook and natural light are different concepts and a lack of harmful overshadowing is not compelling evidence that there would not be detriment to outlook.
42. Moreover, and even if I were to accept that the proposal would not cause a meaningful loss of sunlight, it seems to me that the scale of the extension and its close relationship with No 161 could conceivably reduce daylight to this neighbour. The onus is on the appellant to demonstrate that the proposal would not be harmful, and there is no substantive technical evidence before me to demonstrate that there would not be a loss of daylight. Nor that any loss of daylight would be imperceptible or insignificant. As a result, I am unable to

determine that marginal improvements to overshadowing at No 161 would not be more than offset by a loss of daylight.

43. The appellant asserts that the proposal would address oppressive and overbearing effects of an extension at 165 Verulam Road on the rear of the appeal dwelling. However, this is not a compelling justification for the harm that I have identified would be caused to No 161, particularly given that the difference in depth between the extension at No 165 and the closest part of the appeal dwelling is much less than the difference between the proposed extension and the closest part of the rear of No 161.
44. I find for these reasons that the proposal would cause a loss of outlook for occupiers of No 161 and it has not been demonstrated that there would not also be a harmful loss of light. Taken together, I conclude that there would be unacceptable harm to the living conditions of the occupiers of 161 Verulam Road and the proposal would conflict with Saved Policy 72 of the LPR insofar as it includes a requirement that extensions to dwellings should not unacceptably harm the light or amenity of adjoining properties.

Other Matters

45. I note the appellant's comments referring to a lack of communication and positive engagement from the Council and the Secretary of State's identification of the Council as having failed to submit a plan for examination post-2004. However, these factors do not alter my consideration of the planning merits of the proposal.

Planning Balance

46. The proposal would fail to preserve the special interest of the listed building, 163 Verulam Road, and the significance of the St Albans CA. In relation to Appeal A, it would additionally cause harm to the living conditions of the occupiers of 161 Verulam Road.
47. Acknowledging the appellant's desire to provide wheelchair access and make the property accessible for a family member, I have had due regard to the Public Sector Equality Duty ('the PSED') set out under Section 149 of the Equality Act 2010 and aims to eliminate discrimination, harassment and victimisation, to advance equality of opportunity and to foster good relations between persons who share a protected characteristic and persons who do not. I have also had regard to rights conveyed within the Human Rights Act 1998.
48. However, I have already found that the submitted evidence does not demonstrate that inclusive and accessible accommodation would be dependent on an extension of the scale and design proposed which I have found would cause harm to heritage assets and to neighbouring living conditions. In this context, I find that the adverse effects of dismissing the proposal on those with protected characteristics are mitigated by the possibility of an alternative, less harmful, scheme. Having regard to the legitimate and well-established aims of protecting heritage assets and neighbouring living conditions, I therefore conclude that it is proportionate and necessary to dismiss the appeals. Furthermore, the protection of the public interest cannot be achieved by means that are less interfering of the appellant's human rights.
49. Even when taken alongside the benefits argued by the appellant, the PSED and Human Rights considerations would not outweigh the harm that I have

identified to heritage assets and to the living conditions of neighbouring occupiers. In respect of Appeal A, there would be conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached.

Conclusion

50. For the reasons given above, I conclude that the appeals should be dismissed.

J Bowyer

INSPECTOR