



Appeal Decision

Site visit made on 24 October 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2024

Appeal Ref: APP/B1930/W/22/3309195

Ashtree Court, Granville Road, St Albans, AL1 5UE

- 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 FT Planners against the decision of St Albans City Council.
 - The application Ref 5/2021/2862, dated 8 October 2021, was refused by notice dated 6 July 2022.
 - The development proposed is described as “upwards extension of Block A – E Ashtree Court, St Albans to provide 14 flats.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. The main parties were both invited to make representations on it, and I have taken these into account in considering this appeal.

Main Issues

3. The main issues are;
 - Whether the proposal would preserve or enhance the character and appearance of the St Albans Conservation Area (CA);
 - The effect of the proposed development on the living conditions of nearby occupiers; and
 - Whether the proposed development makes adequate provision for facilities through developer contributions.

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. Granville Road is characterised by two and three-storey buildings, mainly residential in use. There is much variation in the design of buildings which have been developed over time, with traditional terraced dwellings located to the southern area of Granville Road and more modern apartments buildings to the northern area.
6. The CA covers an extensive urban area in the centre of St Albans and is split in to a number of character areas. This character area 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.
7. The appeal comprises five blocks of flats two are three storey and three are four storey. The blocks that front Granville Road are three storey with the four storey blocks located to the rear of the site fronting Station Way. They are finished in red brick, with red tile roofs which, along with render, are common materials in this part of the CA. Properties to the north and south of the appeal site are two storey and traditional in their design and construction. Opposite the appeal site are three storey blocks of flats, similar in design to the appeal buildings. As these are more modern in construction than the adjacent buildings the appeal site as a whole makes a neutral contribution to the character, appearance and significance of the CA.
8. The proposed development would increase the height of each block by one storey creating an additional 14 units. The proposed upward extensions would be finished in red brick to match the host buildings.
9. The proposed upward extension of the building would give rise to a significant increase in its massing. Although the width and depth of the buildings would remain the same, the increase in height and use of the roof space for additional accommodation necessitating in dormer windows, would result in a convoluted and prominent feature.
10. The resultant large principal elevations fronting in particular on to Granville Road, which would be seen in connection with the two storey buildings to its north and south, would heighten the additional massing. It would appear excessive in the context of the surrounding residential properties. Although the roof extension to the blocks of flats adjacent to Station Way would either be screened from view from the existing buildings on Granville Road or be seen with the commercial development on Station Way, they would contribute to an increased sense of bulk.
11. I therefore consider that the proposed development, by virtue of its scale and massing, 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.
12. 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 and

massing would have a negative material impact and would fail to preserve or enhance the CA.

13. Given the scale of the development, the harm would be less than substantial but in accordance with paragraph 208 of the National Planning Policy Framework (the Framework), that harm should be weighed against any public benefits to the proposal. The public benefits in this case would include the creation of 14 dwellings, and contributions towards infrastructure, open space, recreation and education. These homes would bring long-term economic benefits in terms of local expenditure and operational jobs related to the management and maintenance of the building, as well as short-term economic benefits during construction. These benefits are significant.
14. Overall, I consider the benefits in this case attract significant weight. However, considerable importance and weight must be given to the desirability of preserving character and appearance of the CA. Paragraph 205 of the Framework states that great weight must also be given to the conservation of designated heritage assets. Given the harm I have found to the character and appearance of the CA, I find that is not outweighed by the public benefits.
15. 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

16. The Council's concerns relate to the impact of the increase in height on neighbouring buildings namely host buildings, 110-130 Hatfield Road, The Maples and 1-27 and 14-31 Peakes Place. The appeal is supported by a Daylight and Sunlight Assessment produced by Herrington Consulting Limited which has been conducted in line with the British Research Establishment guidance Site Layout Planning for Daylight and Sunlight – A Good Practice (BRE Guidelines).
17. This assessment concludes that existing residential units will see a minor reduction of light. However, the reduction would be in line with the BRE Guidelines as being acceptable and would retain reasonable levels of sunlight. With regards to Peakes Place, there would be a reduction of light into 3 rooms, all of which are indicated to be in excess of 5 metres in depth. The assessment states that such a change in a deep room is unavoidable however they would retain reasonable average daylight factors (ADF) with no noticeable change in this.
18. Whilst there would be some impact on neighbouring residents with regards to natural light, this would not be to such an extent that it would have a harmful impact on the useability of the rooms.
19. 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 135 of the Framework that seeks high standards of amenity for existing and future users.

20. The proposal would therefore conflict with saved Policies 69 and 72 of the City and District of St Albans District Local Plan review 1994 (the LP), which seek, amongst other things to ensure that development is of a suitable standard of design such that it does not cause unacceptable harm to the amenity of adjoining properties.

Developer Contributions

21. A Unilateral Undertaking (UU) has been submitted with the appeal which includes provisions relating to financial contributions for highways improvements, recreation, education and library services. It appears to be that the financial contributions contained within the UU are necessary and reasonable, responding to the nature, type and scale of the proposed development.

Planning Balance

22. I have found that the harm to a designated heritage assets is not outweighed by the public benefits in this case. This disengages the so called 'tilted balance' as it provides a clear reason for refusing the development. This harm is significant and results in conflict with the development plan as a whole. The material considerations in this case do not outweigh the totality of this harm.

Conclusion

23. For the above reasons, the proposal would harm the significance of a designated heritage asset. The development would be contrary to the development plan considered as a whole, the Act and the Framework. Material considerations do not indicate that the development plan should not be followed. The appeal is therefore dismissed.

Tamsin Law

INSPECTOR