



Appeal Decision

Site visit made on 19 February 2024

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th February 2024

Appeal Ref: APP/B1930/W/23/3329538

Abbey Court, Holywell Hill, St Albans, Hertfordshire, AL1 1HA

- 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 J Moses against the decision of St Albans City & District Council.
 - The application Ref 5/22/2746, dated 28 November 2022, was refused by notice dated 17 March 2023.
 - The development proposed is the construction of a single storey roof extension to form 2no. residential apartments (Class C3), alterations to the building façade and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 19 December 2023, and it is a material consideration in planning decisions. The main parties have been given the opportunity to comment on the revised Framework during the appeal. Hence, I am satisfied that no one would be prejudiced by this change to the national policy context.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, having regard to the significance of the St Albans Conservation Area (CA) and nearby listed buildings.

Reasons

4. The CA covers a large part of the city of St Albans. Its significance is principally derived from how the buildings and spaces contained within it reflect the rich history and evolution of the city. This includes its importance as a Roman settlement, the presence and influence of the Abbey, the medieval core through to later expansion during the Georgian, Victorian and Edwardian periods.
5. The appeal site lies within Area 4d: Holywell Hill/ Sopwell Lane of the CA as identified in the Council's Conservation Area Character Statement for St Albans (CACS). It explains that this area forms the southern end of the medieval town to the east of the Abbey grounds, with Holywell Hill constituting one of the main historic routes into the settlement. The character area contains notable concentrations of historic buildings, many of which are listed, that provide a rich backdrop when proceeding along the incline towards the city centre.

6. The Heritage Asset Map¹ provided illustrates the heavy concentration of listed and locally listed buildings surrounding the appeal site. 2 Sopwell Lane, a Grade II* listed building lies to the south of the appeal site and is incorporated with 37 Holywell Hill. It is a 16th century, long, timber framed building of two storeys that directly presents to the corner of Holywell Hill and Sopwell Lane. It possesses considerable heritage value owing to a combination of its aesthetic qualities, historic fabric and prominent position close to a principal thoroughfare.
7. 27A Holywell Hill is a Grade II listed building situated to the north of the appeal site, on the other side of Albert Street. This single storey structure, dating from around 1930, was constructed as a conservatory and seed hall. It has a distinctive, striking form involving semi-circular gable ends, a central dome and an overcrossing glazed roof. Its significance is derived in part from its architecture that reflects classical and Art Deco influences, resulting in an unusual structure intended to display the merchandise of Ryder and sons, seed and bulb merchants.
8. On the opposite side of Holywell Hill to the appeal site, are a continuous group of listed buildings (nos.36-58 even numbers) lining the western side of the road. Chief amongst them is Holywell House (no.40), a Grade II*, three storey town house, with a symmetrical principal elevation. Built in 1785 by Robert Taylor for William Domville, later a Lord Mayor of London, it has both architectural value as a fine example of the prevailing aesthetics of the period, and historical value due to its associations.
9. Owing to its larger size, height and balanced architecture, it has a commanding presence within the otherwise Grade II, mostly two storey vernacular houses within the group. These range in date from the 16th-19th centuries and have varying architectural styles, alterations and materials that reflect layers of time. Even so, pleasing coherence is seen in their layout, scale and general form.
10. Additional significance to all the listed buildings described is derived from their group value as examples of evolving architecture, which both enriches the townscape within the vicinity of the appeal site and provides a tangible connection with the past.
11. I have statutory duties² to have special regard to the desirability of preserving listed buildings or their settings, and to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
12. The appeal site comprises a 1930's part two storey and part three storey block of flats. It departs from the historic pattern of development in that it is set back from the road, standing apart within its own plot. Its massing and height are also generally greater than the nearest vernacular buildings. In architectural terms it features some Art Deco brick detailing, and its width, flat roof and window proportions give the structure a horizontal emphasis redolent of the period. However, the strength of the overall composition is compromised by the prominent presence of the two storey block sitting forward of the main structure. Although not intrinsically objectionable, its scale and form strike a

¹ Document 2, Planning & Heritage Statement prepared by Quod dated November 2022

² Sections 66 & 72, Planning (Listed Buildings and Conservation Areas) Act 1990

discordant note in a context which is particularly rich in valuable heritage assets.

13. My findings are consistent with the CACS³ which identifies Abbey Court as a 20th century building that is out of scale and unsympathetic in design, and thereby a negative characteristic of this part of the CA. Moreover, given its proximity, the appeal building features in some views of, and from, the listed buildings identified, and forms part of the surroundings in which they are experienced. For the reasons described above, it detracts from their townscape setting and therefore, to a degree from their significance as designated heritage assets.
14. The proposed development would add a roof extension to the main block to create two apartments. This would increase the height of the overall structure by about 2.7m⁴, thereby rendering it obviously higher than the more modest heights of 2 Sopwell Lane and 27A Holywell Hill, as well as most of the listed buildings opposite. The added volume at an elevated position would give Abbey Court greater bulk, thereby emphasising its presence in the street scene. This would be the case notwithstanding the careful choice of materials and set back proposed.
15. Moreover, the increase in height and proposed parapet would change the proportions of the appeal building such that it would grate with the underlying horizontal emphasis. This would be particularly noticeable in the resulting tall and narrow form of the side elevations of the main block, which would be close to and face towards 2 Sopwell Lane and 27A Holywell Hill respectively.
16. In addition, it would result in greater disparity between the two storey and proposed four storey elements of Abbey Court, which would further weaken the overall architectural composition of the building.
17. Taken together these factors would exacerbate the divergence in scale and unsympathetic design of the building, which have already been identified as negative aspects of the CA. It would give Abbey Court unwarranted emphasis in the street scene, and therefore likely to distract attention from the listed buildings either side and directly opposite. To a degree, it would interfere with the clear hierarchy of Holywell House.
18. Hence, the proposed roof extension would have a detrimental and unsympathetic effect that would be discernible from parts of Holywell Hill, Sopwell Lane, Albert Street, as well as from within some of the listed buildings mentioned. As such, I cannot agree that it would be sympathetic to local character and history as is asserted, rather, it would fail to meet that requirement of paragraph 135 of the Framework.
19. Furthermore, the proposal would erode the special interest of the settings of the listed buildings identified, and in turn would fail to preserve or enhance the character and appearance of the CA as a whole. Conflict would therefore arise with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
20. In terms of the Framework, I judge the proposal would result in less than substantial harm to each of the designated heritage assets mentioned.

³ Page 143

⁴ Paragraph 5.7, Appellant's Statement of Case

Paragraph 208 of the Framework states that in these circumstances, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

21. Paragraph 205 of the Framework states that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. In this instance, a notable number of designated heritage assets would be adversely affected, two of which are Grade II* listed, denoting their particular importance as buildings of special interest.
22. The proposal would create two new apartments in an accessible location and would make more efficient use of an existing site. I am mindful that the Framework⁵ encourages opportunities to use airspace above existing premises for new homes and gives recognition to the important contribution small sites can make to meeting the housing requirement of an area. The Council confirms⁶ that it is unable to demonstrate a five year supply of housing land, so the proposed provision would be against the backdrop of unmet need. As such, these are important benefits that attract significant positive weight.
23. In addition, there would be some economic benefits associated with the construction of the roof extension, the probable activities of its future occupants and increased revenue to the Council. Nevertheless, given the relatively modest nature of the appeal scheme, these would be minor and so attract a commensurate amount of weight.
24. Reference is also made to improvements to the condition of the existing building, bin storage provision and tree planting, with the latter providing an increase in biodiversity. However, it is not clearly shown that these benefits are wholly predicated upon the appeal scheme proceeding and could not otherwise be secured. This is reinforced by some of the representations received, in which leaseholders of Abbey Court refer to recent moves to upgrade the render irrespective of the scheme before me. As such, these matters attract little favourable weight.
25. Revisions contained in paragraph 124e) of the Framework give specific encouragement to mansard roof extensions. However, I am not convinced that the proposal would constitute a mansard roof characterised by two slopes, nor Abbey Court a suitable terraced property as defined and described in the Framework.
26. Consequently, I find that the sum of public benefits in this case would not outweigh the great weight given to the harm to the designated heritage assets. It follows that the proposal would conflict with national policy to protect the historic environment.
27. My attention is drawn to three other appeal decisions within St Albans⁷. All three examples lie some distance from the appeal site, such that the respective contexts would have been different. From the limited information provided, it is not shown that those schemes were as proximate to a similar concentration of listed buildings as the appeal site. Furthermore, the development descriptions

⁵ Paragraphs 124(e) and 70

⁶ Paragraph 4.12 Council's Appeal Statement

⁷ Appeal references: APP/B1930/D/18/3196700; APP/B1930/W/20/3261064 & APP/B1930/W/20/3263521

for the schemes at St Peters Street concern developments of a different nature and number of dwellings than the appeal scheme. I fail to see how any support for the proposal is derived from the appeal that was dismissed at 67 St Peters Street given that the Inspector concluded it would harm the CA. Of the two allowed appeal decisions, it is not shown that either case is directly comparable with the appeal scheme. Hence, whilst they carry limited favourable weight, this is insufficient for me to find otherwise on the specific merits of this case.

28. Accordingly, I find that the proposal would be detrimental to the character and appearance of the area and would result in unjustified harm to designated heritage assets. Therefore, the proposals would conflict with policies 70, 85 and 86 of the City and District of St Albans, District Local Plan Review, November 1994. Amongst other things, these policies require new housing development to have regard to its setting and the character of its surroundings, particularly so in relation to conservation areas and where buildings of special architectural or historic interest are affected.

Other Matters

29. In making my determination, I have had regard to the representations made in respect of the planning application and appeal. These included some that welcomed an upgrade to the condition of the appeal building, and the increase in housing that would be provided. These are factors I have considered as part of the heritage balance in relation to the main issue, as well as in the overall planning balance.

Planning balance and conclusion

30. Footnote 8 to paragraph 11 of the Framework confirms that the balance in 11d) of the Framework is triggered in circumstances where the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Paragraph 11d)i) of the Framework states that this means granting permission unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development.
31. Footnote 7 confirms that this includes the Framework policies relating to designated heritage assets. Having carried out the heritage balancing exercise as part of the main issue, there is conflict with those policies of the Framework. Hence, the presumption in favour of sustainable development in paragraph 11d)ii) does not apply in this instance.
32. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. I have already identified public benefits that weigh in favour of the proposal earlier in my reasoning, which are also relevant in this respect. Nevertheless, the proposals would conflict with the statutory provisions of the Act, the historic environment policies of the Framework, as well as heritage and design policies in the development plan. Overall, I do not consider the benefits would justify taking a decision other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

INSPECTOR