
Appeal Decisions

Site visit made on 7 November 2023

by O S Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2024

Appeal A Ref: APP/B1930/W/23/3319200

The Old Church, Verulam Road, St Albans AL3 4DH

- 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 Ivyring Property Ltd against the decision of St Albans City & District Council.
 - The application Ref 5/22/1478, dated 9 June 2022, was refused by notice dated 14 October 2022.
 - The development proposed is alterations and change of use from offices to three residential units with associated external alterations, parking, landscaping and amenity space.
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Appeal B Ref: APP/B1930/Y/23/3319203

The Old Church, Verulam Road, St Albans AL3 4DH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Ivyring Property Ltd against the decision of St Albans City & District Council.
 - The application Ref 5/22/1489LB, dated 9 June 2022, was refused by notice dated 14 October 2022.
 - The works proposed are alterations and change of use from offices to three residential units with associated external alterations, parking, landscaping and amenity space.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The appellant has submitted revised drawings¹, removing the proposed electric gate, slightly adjusting the size and location of the proposed lift, amending the layout of the bathroom to Plot 1, and providing more information on service runs and the proposed windows. I note it is not clear whether the proposed sections have correctly captured the revised lift location and size. However, such detail could be the subject of control by condition(s) and has been partly set out in the revised drawing Ref 251-242. I acknowledge that the drawings have not been specifically addressed in an updated Heritage Statement by the appellant. However, the changes are self-explanatory and the Council has had

¹ I note that the Proposed Ground Floor Plan is Rev E as noted in the text to the side panel, despite the revision letter in the drawing number erroneously being 'D'

the opportunity to comment on the changes through the appeal process, as have any interested parties. No parties have therefore been disadvantaged by the revised drawings and I have accepted them as part of this appeal.

4. I have adopted the descriptions of development used on the decision notices instead of that used on the application forms, save for removing the reference to the electric gates to reflect the revised drawings, because they better describe the proposals.

Main Issues

5. The main issues are the effect of the proposal on:
 - the special interest and heritage significance of the Grade II listed building 'The Old Church, 48, Verulam Road'²; and,
 - the character or appearance of the St Albans Conservation Area.

Reasons

Listed building

Existing

6. The appeal site comprises one fairly large Grade II listed building with associated landscaping. There is one large tree to the front of the building, which is the subject of a Tree Preservation Order (TPO)³. The rest of the landscaping is hard standing and is used primarily for car parking. There is also a small courtyard to the rear and planting along the front boundary. The site is accessed, by both pedestrians and vehicles, from a gap in this boundary planting along Verulam Road.
7. The building was built in the mid-19th Century as an Anglican church. The main, original, part of the building is a fairly substantial structure, built in the Italianate style. It has a fairly tall and elegantly detailed tower. The principal material is stone. The windows are in an Italian Renaissance style. Many of them are slim metal framed, set directly into the surrounding stone, and with intricate, attractive and detailed patterns to the glass. However, some are more modern additions with relatively thick and incongruous white, timber frames.
8. The original part of the building is a particularly fine piece of architecture. It is grand yet not overwhelming. The stone is high quality. The detailing of the tower and some of the windows helps to articulate and accentuate the quality of the overall architectural composition. The main building can also still clearly be read as a former church, as seen from the outside. A large part of the significance of the listed building derives from the external appearance of the main building.
9. Externally, the extension is also relatively high quality, using a similar stone. It has a relatively large footprint in comparison to the main building but because it is only one storey, it retains subservience to the main building and can clearly be read as a more modern addition. Although it was built as part of the conversion of the building into an office, it does not appear incongruous because churches often have more modern additions within their grounds, or

² List entry number 1347155

³ Tree Preservation Order No 1811, dated 29 June 2017

as extensions, which act as church halls or similar. The external appearance of the extension therefore also contributes to the significance of the building.

10. The church was deconsecrated in the 1970s and turned into offices. It remains in this use today. The main church building was extensively altered internally as part of this conversion. Several partition walls were installed, including within the original chancel and nave, and to separate the chancel and nave. The original main entrance is no longer used and has been replaced with an entrance within the new extension, to the side and rear of the original building.
11. The sub-division of the building was also horizontal as well as vertical, with an additional floor created within the nave supported on its own modern concrete supports, and a further floor within the ceiling/clerestory area. Original columns, including their attractive capitals, and decorative arches between the columns have been partially boxed in and covered up in a fairly extensive void area above the additional floor. Modern staircases were inserted within the chancel to access these additional levels. Windows have largely been retained but are not always possible to fully appreciate because the new floor is sometimes positioned halfway up the window.
12. Internally, the overall plan form was significantly harmed by the change of use to offices, including the legibility of the building as a former church. In particular, the main entrance is now redundant, and the chancel and nave have lost a sense of their former use both as intrinsic spaces and also the relationship between them, which has been severed. The main building still retains many important features, in particular the internal columns, decorative arches, the windows that retain their original detailing, the original entrance, and the original dividing walls between the chancel and nave. These contribute to the significance of the building, but largely as individual echoes of its former use, or as intrinsically valuable and attractive pieces of architecture or original historic fabric.

Proposed

13. It is proposed to change the use of parts of the building from office (class E) to three 2-bed residential homes (class C3), as well as to re-model the retained office floorspace. Two of the flats would be in the extension, which would become entirely in residential use. They would both be accessed from a remodelled version of the existing entrance to the entire building. The third flat would be to the top storey of the main building, on a floor that already exists and provides office accommodation, and would be accessed from an existing side access to the original building and then up a new staircase, or lift, within the former chancel area.
14. The retained office floorspace, largely within the nave of the original building, would re-introduce use of the original main front entrance. There would also be changes internally to create a more open plan layout primarily by creating a void in the middle of the mezzanine level, revealing the column capitals and decorative arches as part of removing the void area, and by drawing the floor back from the windows and external walls.
15. Externally, any windows which are currently timber would be changed to be double glazed aluminium, with dark grey powder coating. There would be small changes to the profile of the roof to the bell tower and a change of material

from felt to lead. A slim section of guard rail, 900mm high, is also proposed within the tower to give fall protection.

16. With regard to the landscaping, the existing paved slope in the rear courtyard would be removed and replaced with planters. An area of landscaped amenity space would be created to the front of the modern extension. The existing concrete slabs to the existing access to the extension would be replaced with a raised planter adjacent to the wall of the Old Church and a path paved with natural York stone. Five car parking spaces would be provided for the residential units and 15 for the office use. Refuse and cycle storage would be provided in a fenced enclosure located part way along the north-east boundary wall.

Assessment

17. All the flats would involve extensive internal reconfiguration and re-worked services, and potentially new insulation. However, these works are all proposed either in the modern extension or to the top floor that has already been constructed as part of the office conversion. The new lift and stairs would sub-divide the chancel area, but this has already largely occurred through the current staircase that was built as part of the office conversion. The chancel and nave would be severed because the nave would remain in office use. However, they have already been functionally and visually separated by the office conversion, both horizontally and vertically, so this would not be materially more harmful than as existing. Importantly, the original walls would be retained.
18. In the area to be retained as office, as existing the entire width of the building is taken up by the current mezzanine, including covering up the capitals of the columns and the decorative arches, and directly abutting halfway up many of the windows. The area to be retained as office floorspace is the key difference to the previously dismissed appeals⁴, which proposed two separate flats within the nave, involving greater horizontal separation and a smaller void in the mezzanine floor. As now proposed, this area would remain in one ownership, as office use. This would allow the nave to be better appreciated and remain more legible. In addition, there would be the creation of the central void and the mezzanine floor would be drawn back from the external walls and windows. This would better reveal these attractive and pleasing architectural features.
19. There would still be significant horizontal and vertical sub-division, but it would be an improvement on the existing situation. In addition, the re-introduction of the main entrance as the entrance for the offices would be an enhancement to the building, re-creating the primacy of this entrance area and doorway.
20. However, I have been provided with relatively limited information on the proposed services. I acknowledge that there are fairly extensive existing service runs in a rather haphazard arrangement. However, the proposed change of use of part of the building to residential would involve fairly extensive servicing, eg plumbing for the bathrooms, and likely in locations where there is either none or very little as existing, eg at second floor level where the bathroom is proposed. It is therefore not clear what the effect of the revised services on the historic fabric and appearance of the building would be. Because of this uncertainty, and with no guarantee that the revised services

⁴ Appeal Refs APP/B1930/W/20/3258271 and APP/B1930/Y/20/3258275, dated 25 August 2021

could be achieved without causing unacceptable harm to the significance of the building, this information cannot be reserved for the detail to come forward by condition.

21. It has, however, been adequately demonstrated that the lift could be installed as a free standing structure that sits away from the nearby original wall, thereby limiting the effect of this structure on historic fabric and retaining some legibility of the original plan form. I therefore see no reason why the detail of such works could not be achieved without causing material harm to the significance of the building. This could be controlled by condition(s).
22. With regard to the proposed insulation to be placed on the external walls, this is not yet confirmed. The detail of the installation could be controlled by condition so that it would not cover important internal features and detailing on the walls, and to ensure that any fixings would be such so as to minimise or eliminate any harm to the existing fabric. Nonetheless, depending on the nature of the required insulation and its installation, it might not be possible for it to be installed in a manner that would avoid unacceptable harm to the historic fabric of the building. However, a condition could be attached that would not only control the detail of insulation but also could allow the Council to preventing insulation being installed, if necessary.
23. The proposed changes to layout, plan form, and use of parts of the building, and the introduction of air conditioning, would likely change the internal climatic environment, at least in part. However, from the evidence before me I have no reason to believe that this would likely lead to meaningful damage to the fabric of the building. If any issues do arise, then there is a relatively large amount of space and opportunity within the building to install mitigatory measures. The detail of this could be controlled by condition(s) and if any future mitigatory works were required, then this would be the subject of further listed building consent and/or planning applications.
24. Externally, there are non-original timber windows at second floor level and one at ground floor level within the main building. It is proposed to replace these with metal framed windows that better reflect the historic windows to the main building. These works would not result in the loss of any historic fabric and the changes to the windows within the main building would better reflect its original character and appearance. Some of the detail of the replacement windows has already been provided⁵ and the full details could be controlled by condition.
25. The windows in the modern extension would also be replaced. This includes two extensive glazed areas that are metal framed as existing. They are clearly legible as modern fenestration both in their design and materials. The proposed replacement would remain as clearly modern features, therefore retaining the legibility of this extension in comparison to the main building. There is also a row of timber framed windows to the rear of the modern extension that would be replaced with aluminium framed windows. Again, the design of the windows both as existing and proposed is clearly modern and allows for differentiation between the extension and the main building.
26. The proposed guardrail to the tower would be unobtrusive and the minimum necessary for safety. The changes to the roof of the belltower would be limited

⁵ See drawing Ref 251-241 rev A

and would be to the internal roof within the belfry. Any loss of fabric would be minimal and not of significance because it is only proposed to replace a non-original felt roof. The changes would in fact enhance the significance of the building because the proposed replacement roof would be a more traditional, lead material.

27. The proposed landscaping would remain as largely hardstanding and unassuming next to the building. York stone would be an attractive material that would complement the stone of the building. Planters, other soft landscaping, and the retention of the TPO'd tree would help to provide some softening. Some currently unsightly features, such as the condenser units, would be removed. I acknowledge that the Council has raised concerns regarding the precise location, layout and size of the proposed refuse and recycling bins. However, there is plenty of space within the landscaped area to make adjustments to the bin store as currently drawn, and this could be controlled by condition. Therefore, subject to control of the details by condition(s), the proposed external works would therefore be acceptable.

Overall

28. For the reasons set out above, it has not been demonstrated that the necessary changes to servicing could be installed without unacceptably harming the special architectural and historic interest of the listed building. The proposal therefore fails to comply with the requirements of s16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act), Chapter 16 of the National Planning Policy Framework (the Framework). Nor does it comply with Policies 86 and 88 of the saved policies of the City and District of St Albans District Local Plan Review 1994 (the LP), which, insofar as they relate to the proposed works, reflect the requirements of the Act and the Framework.

Conservation area

Existing

29. The appeal site is situated within the St Albans Conservation Area (CA). The CA is extensive and includes the city's historic core. It incorporates a rich variety of building styles and uses. The site is situated within the Verulam Road Character Area, which is situated to the northwest of the city centre and the CA. As set out in the Conservation Area Character Statement for St Albans dated 2016, the roots of this part of the CA are in the Regency period, with numerous grand and visually dominant buildings surviving.
30. As far as it is relevant to this appeal, the significance of the CA is principally derived from the contribution made by the predominantly high quality of the architecture and townscape through the variety of the buildings, landscaped spaces, and planting within it. The building the subject of these appeals contributes positively to this significance because it is an impressive and large Italianate building that makes a significant architectural contribution to the townscape of the CA.

Assessment

31. The external appearance of the building would be enhanced by the proposal, through a combination of the proposed new windows, re-using the original entrance door, and the proposed landscaping. The internal works would have

no direct effect on the appearance of the CA. The proposed change of use would not harm the character of the CA because the original use of the building as a church has already ceased. The proposed change from an office to part-office and part-residential is entirely in-keeping with a CA that includes significant residential and commercial floorspace. The proposed reinstatement of the main entrance door would also enhance the character and activity associated with the building.

Overall

32. For the reasons set out above, the proposal would preserve and enhance the character and appearance, and therefore the significance, of the CA. It therefore complies with the requirements of s72 of the Act. It also complies with Chapter 16 of the Framework and Policy 85 of the LP, which, insofar as it relates to the proposal, reflects the requirements of the Act and the Framework.

Other Matters

33. The property is immediately to the west of Diocesan House⁶ and is linked to the rear to Christ Church Vicarage⁷, both of which are designated as Grade II listed buildings. These buildings form a setting for one another linked to their former ecclesiastical use and architecture. These factors, amongst other things, hold their significance as designated heritage assets.
34. The proposed works would have limited effect on the character and nature of use of the host building which has already lost its use as a church. The Vicarage has also already been converted into flats and is therefore in the same use as the proposed change of use for the appeal building. Diocesan House is a nursing home, which is an appropriate use to be nearby to office and residential floorspace, and demonstrates that this building has also already lost its association with the former religious use. In addition, the proposed external works would enhance the special architectural and historic interest of the building, and thereby its setting and the setting of these nearby listed buildings. The proposal would, therefore, protect and in places enhance the settings of these listed buildings.
35. Two objection letters have been received, including from the Verulam Road and Adjoining Roads Association. The primary concerns were in regard of the electric entrance gate, which has now been removed from the proposal. Concern is also raised regarding car parking on the street, but off-street car parking that meets the minimum planning policy standards for both proposed uses is included in the landscaping scheme, and neither the Council nor the Highway Authority have objected to the proposal on this basis. I see no reason to disagree with its conclusions that the proposal would have an acceptable impact on highway safety.

Planning Balance

36. As set out above, it has not been demonstrated that there would not be unacceptable harm to the significance of the listed building, with regard to the proposed servicing. I assess the level of harm to be less than substantial. Paragraph 208 of the Framework states that where a development would lead

⁶ List entry No 1174618

⁷ List entry No 1103035

to less than substantial harm this should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.

37. The building is currently occupied in office use. I agree with the appellant, and the Inspector for the previous appeals, that the layout and accessibility of the building mean that it would be unlikely to achieve the higher environmental standards of newer office buildings, particularly for the health and well-being of staff. It is also relatively lightly occupied at present and it is likely that the refurbished office floorspace would achieve greater occupancy than as existing, because of its higher quality, modern fitout, and significantly better natural light.
38. The improved quality of the retained office floorspace weighs in favour of the proposal. However, there is no substantive evidence before me that the current use is unviable, even if it may likely be less viable than the proposed uses. I must consider both viability and the effects on the significance of the listed building. It has not, therefore, been adequately demonstrated that the optimum viable use of the building is part-residential and part-office as proposed.
39. There are no policies resisting the loss of the existing floorspace and this weighs neutrally in the planning balance. The loss of office floorspace would be to be replaced by three dwellings. The appeal site is in an accessible location, within walking distance of the extensive services and facilities of St Albans town centre. This would be a public benefit by the contribution to housing supply in the area.
40. There would be an economic benefit in the short term from construction of the proposal and in the long term from the expenditure in the local economy by the future residents of the dwellings and occupants of the office floorspace. However, this would be limited because the existing building is an occupied office and therefore also contributes to the local economy.
41. There would be some improvements to the energy efficiency of the building. However, it is difficult to be precise about the extent of this benefit because the amount of insulation that could be provided without causing unacceptable harm to the historic fabric of the building has not been demonstrated. Nevertheless, this weighs in favour of the proposal.
42. There would be heritage benefits from the partial opening up of the nave area of the building better revealing the original volume, footprint and nature of this space. The proposal would also reveal important historic fabric such as the column headers. There would be further benefits from replacing the existing felt roof to the belfry with more traditional lead, and from replacing non-original timber windows in the main building with more historically appropriate metal windows. The re-introduction of the main entrance as the entrance for the offices is also a heritage benefit. The removal of unsightly elements such as condenser units and the general tidying up and improvement to the landscaping surrounding the building also weigh in favour of the proposal.
43. Taken together, although there are fairly significant public benefits from the proposal, they would not outweigh the potential harm to the significance of the listed building, to which I attach great weight as directed by Paragraph 205 of the Framework.

Conclusions

44. For the reasons above, Appeal A is dismissed.

45. For the reasons above, Appeal B is dismissed.

O S Woodward
INSPECTOR