



Appeal Decision

Site visit made on 3 April 2024

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2024

Appeal Ref: APP/B1930/W/23/3330430

116 Old London Road, St Albans, Hertfordshire AL1 1PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Montague against the decision of St Albans City Council.
 - The application Ref is 5/23/0873.
 - The development proposed is the demolition of the existing conservatory and the side extension, the erection of a single storey front/side extension and two part single storey/part two storey side/rear extensions to the dwelling and its conversion to two dwellings together with parking and amenity space provision.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the planning application form. Although it is different to that on the decision notice, no confirmation has been provided that the change to the wording of the description was agreed by both main parties.
3. Since the appeal was made, the Government published the revised National Planning Policy Framework (the Framework). Policies material to this decision have not fundamentally changed. Therefore, I have not sought the main parties' views on this.

Main Issues

4. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the St Albans Conservation Area, having particular regard to the significance of the host building as a non-designated heritage asset; and,
 - the effect of the proposal on the living conditions of the occupants of the annexe with regards to privacy.

Reasons

St Albans Conservation Area and significance of the host building

5. As the appeal site is within the St Albans Conservation Area (the CA), I have had regard to Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.

6. I have not been provided with a formal designation statement or character appraisal. Based on my observations, the significance of the CA is primarily derived from the collection of buildings and street patterns that reflect the rich history and evolution of the city. This part of the CA is predominately residential consisting of terraces, small-scale villas and later infill development and flatted developments. Although there is a broad variation in the design and age of buildings along the road, the appeal site is within the part of the road which is generally more representative of the historic character.
7. The host building is a locally listed house and is a non-designated heritage asset. It is three bays wide, with a central front door and first floor windows. At the rear, there is a two storey projection that has a double gable roof and is set in from the side boundaries. There is a side conservatory and side lean-to to either side of the rear projection, both of which have single pitch gable roofs. One side of the two-storey projection and roof of the attached side lean-to is visible from the road. Even with these additions, there is a balance in built form. The house displays a uniform and symmetrical appearance and positively contributes to the significance of the CA.
8. Whilst the proposal would not extend past the existing front building line, it would extend the house by wrapping around the side and rear elevation, increasing the footprint. The extensions would extend across the full width of the house at ground floor level and the majority of the first floor level. The small set-in from the side elevation would do little to reduce the overall massing. The existing set-back of the side elevations from the rear projection would be lost because of the cumulative effect of the proposed extensions.
9. The flat roof design of the proposed single storey side extension would be at odds with the hipped and pitched roof characteristics. It would therefore be incongruous in this context. Even though the eaves level and ridge height of the two storey extension would be below the existing roof, this would add a large bulk to the house, dominating the rear elevation. The bulkier form of the house would be noticeable in both public and private views. This would not be mitigated by using matching materials.
10. The gaps between the proposed first floor windows would be uneven with an expanse of brickwork between. Their positioning would also not be central to the ground floor windows, like the existing windows. This would further emphasise the scale and massing of the extension. As the windows would be very close to the eaves, they would have an awkward relationship with the gable roofs.
11. Because of the design of the proposal, the existing symmetry of the house would be lost, eroding the house's distinctive character and appearance. This would diminish the positive contribution that the house makes to the significance of the CA causing harm to its character and appearance. The proposal would therefore fail to preserve or enhance the character or appearance of the CA. It would therefore conflict with Policies 69 and 85 of the St Albans District Local Plan Review 1994 (the Local Plan) and the Framework. Amongst other things, these policies require development to have a high standard of design that takes into account the scale and character of its surroundings and pays special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

12. The proposal would also directly affect the significance of the house as a non-designated heritage asset. This would cause moderate harm and would conflict with Policy 87 of the Local Plan. This policy applies to locally listed buildings and requires their features of architectural or historic interest to be preserved.

Living conditions of the occupants of the annexe

13. To the side of the house there is an annexe. This is included within the red line boundary. However, the Council asserts that this has been converted into a separate dwelling, following the granting of planning permission. The appellant has not disputed this. It is therefore reasonable to consider the living conditions of these occupants.
14. The proposed parking plan shows that parking would take place outside of the annexe. One of these spaces would be very close to the front window. It is not clear to which property this space would be allocated and whether it could be reserved for the occupants of the annexe, particularly given that not all the spaces can be used independently of one another. Users of this parking space would have direct views into the annexe, leading to a loss of privacy.
15. At my site visit, I observed that the rear garden has been subdivided to create a separate garden for the annexe. It is not clear whether this boundary treatment would be retained or removed as the proposed block plan shows a shared garden between one of the houses and the annexe. This would result in the annexe having no private amenity space.
16. I therefore conclude that the proposal would have a harmful effect on the living conditions of the occupants of the annexe with regards to privacy and conflicts with Policies 70 and 72 of the Local Plan and the Framework. These policies amongst other things, require the privacy of adjoining properties to not be unacceptably harmed and provide a high standard of amenity for existing and future users.

Other Matters

17. My attention has been drawn to an extension at 114 Old London Road. However, there is limited evidence to demonstrate that it is directly comparable to the scheme before me. This therefore carries limited weight in my consideration of this appeal. In any event, the proposal must be judged on its individual merits.

Heritage and Planning Balance

Heritage balance

18. The harm caused to the CA would be less than substantial. Nevertheless, and in accordance with paragraph 205 of the Framework, this attracts considerable weight and importance. As set out at paragraph 208 of the Framework, where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
19. Even if the proposal would allow for the appellant to stay living in the house, this would be a private benefit. There would be some public benefits arising through the creation of an additional home and the remedial works to improve the condition of the house. There would also be some economic benefits arising

from the construction process. However, these benefits would be of a small scale because of the quantum of development proposed and are given limited weight. The public benefits would not, therefore, outweigh the harm to the CA.

Planning balance

20. The Council is unable to demonstrate a five-year housing land supply. However, in light of paragraph 11 (d)(i) of the Framework and the provisions of footnote 7, the harm to the designated heritage asset provides a clear reason for refusing the proposal. The 'tilted balance' is therefore disengaged.
21. The Framework requires that great weight should be given to the conservation of designated heritage assets. Having regard to paragraph 209 of the Framework, the scale of harm I have identified to the significance of the non-designated heritage asset would also weigh against the proposal.
22. There would be no substantial alterations to the front elevation or the hard and soft landscaping features. The Council has raised no objections on the grounds of the impact on the living conditions of the occupants of 114a Old London Road, the availability of parking and highway safety. However, compliance with relevant national and local planning policies on these matters would be required in any case. These matters are therefore of neutral weight.
23. The proposal would provide an additional residential unit in a sustainable location. The Framework acknowledges the contribution small and medium sized sites can make in meeting housing requirements, but even as a windfall site, the proposal would make a very minor contribution towards addressing the shortfall. There would also be social and economic benefits arising from the construction phase and future occupiers would bring some trade to nearby shops and services.
24. Taken together, these benefits attract limited weight given the scale of development under consideration and would not outweigh the harm I have identified. The proposal would therefore conflict with the development plan, when considered as a whole.

Conclusion

25. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

L Reid

INSPECTOR