
Appeal Decision

Site visit made on 11 June 2024

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2024

Appeal Ref: APP/B1930/W/24/3339320

Butlers Yard, Drovers Way, St Albans, Hertfordshire AL3 5FA

- 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 Aldenham Residential Property Development against St Albans City and District Council.
 - The application Ref 5/2023/2260, is dated 6 November 2023.
 - The development proposed is the erection of three new apartments.
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Application for Costs

1. An application for costs was made by Mr Mark Quinn (Aldenham Residential Property Development) against St Albans City and District Council. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed and planning permission refused for the erection of three new apartments.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the character and appearance of the surrounding area and host building.

Reasons

4. The proposed development includes the erection of 3 apartments in the form of an additional storey above Butlers Yard which is a 4-storey building of contemporary design. With the addition of the proposed roof extension, the resulting building would not be materially taller than nearby buildings, including the Premier Inn and Travelodge.
5. Butlers Yard possesses an almost ovoid footprint with commercial uses at ground floor, access from Drovers Way and residential accommodation above. The external materials include predominantly brick and glass at first floor level with render, terracotta tiles, grey louvers, grey frames for openings and glass above. When viewed along Drovers Way, the design of the property has a horizontal emphasis because of the bands of white rendering and balconies.
6. The appellant claims that the design of the appeal scheme addresses the concerns raised by the previous Inspector in dismissing an appeal for a similar type of development (Ref APP/B1930/W/22/3300856). The design changes identified by the appellant include a greater setting back of the roof extension

from the existing property's walls, the choice of external materials and the alignment of the windows with the openings below.

7. Although its location is related to the commercial uses of the City Centre and associated car parking and servicing provision, the property is situated within the extensive St Albans Conservation Area where there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. This duty is echoed in Policy 85 of the St Albans District Local Plan Review (LP).
8. The heritage significance of the Conservation Area is associated with the growth of St Albans over an extended period of time dating from Roman and Saxon times. There are significant historic buildings such as the Abbey and St Peter's Church albeit the Council has not indicated in its putative reason for refusal that their settings would be adversely harmed by the proposed development. There is a variety of architectural styles and designs of buildings, particularly within the City Centre which is in an elevated location with views from surrounding greenspaces.
9. Unlike the streetscape along Drovers Way, the main road through the City Centre (St Peter's Street) possesses a well-designed public realm. The design quality of the buildings varies. Adjacent Butlers Yard there is the contemporarily designed Premier contrasting with the utilitarian multi-storey car park. As noted by the appellant in the *Built Heritage and Visual Impact Assessment* the development of contemporarily designed buildings has brought about positive design improvements to the otherwise utilitarian character and appearance of Drovers Way. Within the context of Drovers Way and the surrounding area, Butlers Yard is of a high quality contemporary design and construction which makes a positive contribution to the character and appearance of this part of the Conservation Area.
10. Despite being set back from the property's external walls further than the previous scheme, the proposed development would still, from some viewpoints, be a noticeable addition to the skyline, principally from Drovers Way, including its junction with Catherine Street, Castle Walk and within the multi-storey car park. There is currently a view from St Peter's Street but this is across a cleared site and may well change in the future.
11. Although within the Building Height Control Area defined under LP Policy 114, this is a case where the increase in the height of the host building would be compatible with the surrounding roofscape, in particular the Premier Inn and Travelodge buildings. Further, the appeal scheme would not materially break the skyline nor mask an identified skyline feature. Accordingly, there would not be a conflict with LP Policy 114.
12. The predominantly ovoid footprint of the proposed additional floor would reflect the host property. However, the external materials of the proposed extension would include grey walls, glazing and grey frames which would not fully reflect the external materials of the property, albeit the grey cladding would echo the upper storey of the near-by Travelodge. The combination of the external materials and the size and type of the openings proposed would mean the appeal scheme would have a vertical emphasis which would not respect the character and appearance of the host property. Further, and taking into account the appearance of the Travelodge's upper floor, the expanse of grey cladding along the Drovers Way elevation would not result in the proposed

development appearing as much as a lightweight addition to the building claimed by the appellant.

13. Overall, and although the resulting height would not cause unacceptable harm, the appeal scheme would not be of a high quality of design and the amendments made since the dismissed appeal have not fully addressed the concerns of the previous Inspector. By reason of design, the proposed development would appear an incongruous feature within the Drovers Way streetscene and, as such, the character and appearance of the Conservation Area would not be preserved.
14. The degree of harm to the heritage significance of the Conservation Area associated with the design and choice of external materials of the proposed extension would be less than substantial. Accordingly, the Framework requires this harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
15. In this case, the appeal scheme would result in the delivery of three 1-bedroom apartments flats in what is an accessible location within the City Centre. The potential erection of 3 flats has to be placed into the context of there being a need for more homes in the District because the Council cannot demonstrate a 4-year supply of housing land. Economic benefits would be associated with the erection of the proposed flats for a temporary period but the potential expenditure would be generated by future residents. There would be environmental benefits associated with a more intensive use of the Butler Yard site which is within the urban area of St Albans.
16. However, even in combination, the public benefits which have been identified do not outweigh the less than substantial harm which would be caused to the heritage significance of the Conservation Area. The Council acknowledge that there is not a 4-year supply of deliverable housing land within the District and, as such, the presumption in favour of sustainable development identified in the Framework would normally apply. However, the application of the Framework's policies that protect heritage areas or assts provide a clear reason for this appeal failing.
17. There would be a conflict with LP Policies 2, 69, 70 and 85 which, in addition to heritage considerations require development to have an adequately high standard of design, including choice of materials. These policies are consistent with the high quality design aspirations of the Framework. The benefits which have already been identified do not outweigh the significant and demonstrable harm which has been identified and the conflict with local and national policies.
18. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and host building and, as such, it would conflict with LP Policies 2, 69, 70 and 85 and the Framework. Accordingly, this appeal should be dismissed.

D J Barnes

INSPECTOR