



Appeal Decision

Site visit made on 9 July 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 30th July 2024

Appeal Ref: APP/C1950/W/24/3338272

58 St. Albans Road East, Hatfield, AL10 0EH

- 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 Abdul Rouf against the decision of Welwyn Hatfield Council.
 - The application Ref is 6/2022/0015/FUL.
 - The development proposed is the erection of a one and half storey community centre with ancillary prayer space following the demolition of the existing structure.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application form described the proposed development as “demolition of the existing structure and construction of a one-and-half storey community facility with ancillary congregational prayer space”. The council changed this to the description used in the heading above as did the appeal form. I have adopted it as it more clearly identifies the development proposed. However, the description does not accurately reflect the development shown on the application plans, since it is clear that the proposed development is of 2 storeys, not one and half. Since I am dismissing the appeal, I do not consider that this point is of substance.

Main Issues

3. The main issues in this case are: i) the effect of the proposal on the Grade II Listed church and its setting, taking into account the degree to which the existing building is of historic interest; ii) whether the proposed development is shown with sufficient accuracy, particularly in order to judge whether it would provide adequate facilities for pedestrians/cyclists/people with disabilities (those confined to a wheelchair or others with mobility difficulties); iii) whether the proposal would maintain highway safety, taking into account the facilities for servicing the premises, the effect of any intensification in the use of the access onto the road network, and the provision of on-site car parking.

Reasons

4. The appeal site is in an accessible location on the north-eastern edge of the town centre. It benefits from being located in close proximity to residential areas, local amenities and sustainable transport infrastructure. It is located to the north side of a large roundabout at the junction between St Albans Road

East, Queensway, Wellfield Road and French Horn Lane. The site is occupied by a vacant single storey meeting hall, which is in a state of disrepair, apparently last used as a St John's Ambulance training centre. Access to the site is via a one-way service road for the grade II listed St Luke's Church. Access to a pedestrian underpass is situated between the service road and the roundabout to the front of the site.

5. The service road runs alongside the existing hall and a wide access way to the adjoining St Luke's cemetery. This access to the cemetery also serves as a small parking area for the Church. A lychgate, at the end of the parking area is located between the appeal site and the Church, providing pedestrian access to the cemetery. The service road is accessed from the roundabout exit to St Albans Road East (B6426), and exits at the entry of Wellfield Road (B197) onto the roundabout.
6. The area to the front and side of the appeal building is predominantly grass. A mixed hedge forms the boundary with Coronation Gardens, an attractive public area laid out with informal seating, flower beds etc. The hedge also encloses the site boundary to the east. The rear boundary is defined by the cemetery wall and a number of large trees/shrubs situated just outside of the appeal site.

The effect of the proposal on the Grade II Listed church and its setting, taking into account the degree to which the existing building is of historic interest

7. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the local planning authority or the Secretary of State shall have "special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". Historic England defines setting as: "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."
8. The listing of the Church of St Luke, which includes the cemetery wall and gate, describes it as: "Cemetery chapel, built 1877. Extended as cruciform church in 1893 by H T Shillitoe. Rockface limestone with ashlar dressings. Steep pitched plain tile roof with terracotta ridge tiles. Early English Gothic style. N and S coped transept ends with triple lancets to nave. E window has 3-light bar tracery. Small gabled S porch. Open polygonal stone belfry on W gable. 1893 cemetery wall is in trellised red brick. Timber porch on left, the sides in 2 trefoiled arches. Cusped braces and bargeboard. Plain tile roof (Pevsner (1977))".
9. Maps of 1883 and 1899 show that the church was located in a rural setting, with fields to its north and east. It was a little distance from the Victorian "Newtown" to the west. Today the surroundings of the church are in distinct contrast, with the large roundabout and subway entry point dominating the immediate surroundings, within an extensive built up area, including much new development of substantial scale.
10. Within these surroundings the appeal building is something of a pathetic sight. It dates from the late 19th Century, has a timber frame structure with part timber, part corrugated metal cladding to the elevations and a corrugated

asbestos cement roof. Climbing plants cover a significant part of the roof. It is clearly beyond its useful life, and in its present form, does not contribute to the setting of the church. It dates back to a similar time as the conversion of the church from the original chapel, and originally it had some functional relationship with the church or its cemetery. Nevertheless, there is nothing before me to suggest that it is of architectural or historic interest, and a previous appeal decision permitted a scheme that included its demolition.

11. The existing building occupies the majority of the site, and is rather hemmed in with uncared for trees, bushes and climbing plants. I see no reason to consider that the part of the application to demolish the building should be refused. Having reached this conclusion, the essential question relates to whether the design of the proposed building is of a nature and quality to relate well with the church and its setting.
12. The National Planning Policy Framework (the Framework) has a strong emphasis on good quality design. Paragraph 126 clearly advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. This can only be given added emphasis when the site is within the setting of a listed building.
13. The Church of Saint Luke is a relatively simple building with restrained main features; the walls are of a uniform, weathered limestone, under a tall pitched gabled roof covered in plain tiling which gives coherence to the whole building. There is minimal fenestration, although this makes a strong statement related to the function of the building.
14. In contrast, the proposed building, although the main ridgeline is lower than that of the main roof of the church, is primarily of 2 storeys. The proposed front elevation is a collection of features that relate poorly to one another and use a variety of finishes that stand out as assertive and inappropriate alongside those used on the church. Aside from the fact that this is poor design, the building, by reason of its 2-storey appearance and multitude of features, would be visually dominant in the setting of the church, and would detract from the repose of the church and cemetery. It certainly would not appear as subordinate to the church. This amounts to less than substantial harm to the significance of the listed building. Against this must be set any public benefits which outweigh this harm. This judgement must be weighed when the other issues have been considered.

Provision of facilities for pedestrians/cyclists/people with disabilities

15. There are 2 editions of the Transport Statement (TS) that have been submitted. For the purposes of this decision I have relied upon the later version, dated July 2022. This document indicates that the maximum capacity of the building would be 52 at any one time.
16. Bearing in mind the limited facilities for vehicles, it is likely that most visitors would arrive as pedestrians. The main entrance to the proposed building would have a reasonably wide paved area that effectively joins with the service road. The service road might well be busy at times when there is most pedestrian activity, and a conflict between people and vehicles would exist, although the vehicles on the service road are likely to be slow moving or stationary. Beyond

the service road there is a safe route to the areas on the other side of the roundabout by way of the step-free underpass, and adequate footpaths exist along St Albans Road East and Wellfield Road. There are bus stops within 300m and 800m. This appears to be a facility mainly for the local community, but in terms of pedestrian travel from further afield, the railway station is also some 800m away. There is also a public car park 240m to the north-west.

17. The refusal reasons include criticism of the inaccuracies of the details shown on the plans and documentation; there is some basis for this, but I have been able to make judgements about the proposal sufficient to reach a decision.
18. Provision for cyclists is indicated on the 2 layout drawings Nos.18/326/004 and 005¹ by symbols which the TS refers to as Sheffield style stands, able to accommodate 8 cycles. This is in excess of the adopted standards, but I also note that the bin storage for the building is shown to be at the back of the north-west rear single-storey extension, and the cycle storage would block any means of these being moved to the front of the building for collection.
19. Judging by the accident statistics provided, the roundabout does not represent a pleasant or particularly safe environment for cyclists, although they can proceed via the underpass by dismounting and pushing their cycles. The analysis of the TRICS database suggests that there would only be 1 trip by cycle in the peak period, both Monday to Friday and on Saturday.
20. Those with disabilities attending the building appear to be provided for by 2 car parking spaces at the front of the building. I say 2 car spaces because the plans show a car parking space overlaid with the disabled symbol, and another space without the outline of a car, but having the disabled symbol. However, the TS states at paragraph 5.29 that there would be 1 disabled parking space and 1 on-site service space. It is unclear from the layout plans where the latter space would be. However, I also note TS paragraph 5.34 which states "Leaflets and noticeboards at the site will emphasise that on-site parking is for disabled users only and that pick up and drop off is not permitted in the site's drive. Site users will be informed of the parking situation at the development and they will be told not to interfere with the parking needs of the church".

Effect on highway safety, taking into account the facilities for servicing the premises, the effect of any intensification in the use of the access onto the road network, and the provision of on-site car parking.

21. The proposed facilities for servicing the premises appear to be only discernible from the swept path analysis in the TS. This shows delivery by a 'large car' that would enter the service road as far as the eastern end of the building and then reverse back into the space that I refer to in paragraph 20 above as the space without an outline of a car, but having a disabled symbol. It would then proceed out in forward gear through the exit of the service road onto the roundabout. The TS anticipates that there would be no more than 3 deliveries per week, with many deliveries being brought by members of staff. Since the delivery vehicle itself is conjectured to be a large car, the deliveries by staff members effectively brings the number of deliveries into the realm of

¹ The layout provided in the Transport Statement is markedly different to that shown on the plans referred to in paragraph 17 above. I rely, of course, on the application plans.

speculation. Refuse vehicles and any other larger vehicles would make use of the unrestricted kerbside, as the surrounding properties do.

22. The council's Parking Standards Supplementary Planning Guidance January 2004 (SPG), sets guidelines rather than maximums. The SPG advises parking requirements for a community hall of a maximum of 1 space per 9sqm plus space per full-time staff member or equivalent. For a place of worship the requirement is 1 space per 10sqm. Whilst these are maximums, the fact is that taking account of the leaflets and noticeboard mentioned in paragraph 20 above, effectively there would be no parking provision, other than 2 disabled spaces.

Conclusions

23. I have taken account of all matters raised, which includes the appellant's Heritage Statement and Impact Assessment (HIA), the submission of which the council objects to on the basis that it was not submitted with the application and therefore consultees were not provided with the opportunity to respond to it. It points to procedural guidance that the appeal process should not be used to evolve the scheme.
24. Certainly an HIA should have been submitted with the planning application, as required by paragraph 211 of the Framework, but the submitted document does not 'evolve' the application, but simply sets out background and arguments that seek to rebut the council's case. This is not unreasonable, and I have taken it into account and found it helpful in my own appreciation of the proposal and its relationship with the setting of the listed building.
25. Turning to the main issues and the relevant descriptions set out above, at paragraph 11 I conclude that the appeal building is not of particular architectural or historic interest. Its demolition as part of a scheme that satisfactorily responds to the listed church and its setting should not be resisted.
26. In my paragraphs 13 and 14, I describe how the appeal scheme is poorly designed, with features that do not relate well to the church and its setting. The proposed building would not be subordinate to the church and would be visually dominating in the setting of the listed building, thus detracting from the appreciation and prominence of the church.
27. For these reasons the effect of the scheme would amount to less than substantial harm to the significance of the heritage asset, as set out in paragraph 205 of the Framework. This is a conclusion that carries considerable weight, in accordance with the Framework, and also bearing in mind the special responsibility placed on a decision maker by s16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the development plan policies to which reference has been made in the refusal reasons and the appeal statements.
28. In respect of the way that the scheme deals with facilities for pedestrians, whilst access to the site from the surrounding area is well catered for, in terms of the site itself, it is minimal. The building would occupy much of the site, and at times when large numbers of people would come to the facility, I consider that there would be overspill onto the service road and the access to the

- church and cemetery, even if only for short periods. There would, at times, be conflict with vehicles on the access road.
29. As far as cyclists are concerned, it appears that over provision is made for cycle parking, according the TRICS assessment in the TS. As shown on the submitted layout plans, this cycle parking would make it impossible to get the waste or recycling bins to the kerbside and back. This point seems to indicate a lack of care in producing a workable scheme and is indicative of trying to fit too much development onto a very restricted site.
30. Turning to attendees or staff with disabilities, I consider that the scheme is seriously lacking. Bearing in mind that staff would be part of the way in which deliveries would arrive at the site, at best 2 parking spaces might be available for disabled parking. But in addition to this, I would expect others with disabilities to rely on being dropped from a car or taxi at the building, and I cannot see that this would function well. These considerations lead me to conclude that the access to the cemetery and parking for the church would also be compromised.
31. Given the evidence about the very limited degree to which the building would require deliveries, I consider that the shortcomings in respect of large vehicles stopping at the kerbside is not such as to warrant refusal of permission.
32. Effectively, the appeal scheme makes no general provision for car parking for more than 1 member of staff or for the bulk of those visiting the building. Whilst I note the advice that would be given to visitors that pick up and drop off would not be permitted on the access road, I am sceptical about the effectiveness of this. I appreciate that the maximum number of visitors to the facility would be 52, but it is very likely that the shortcomings of the scheme would result in adverse effects on the free flow of traffic in the immediate area, and would risk the safety of pedestrians and vehicular traffic.
33. The finding of 'less than substantial harm' to the heritage asset, which of itself warrants the dismissal of the appeal, means that any public benefits of the development that would overcome the harm identified must be considered.
34. I am told that the proposed community facility aims to provide culturally-specific classes as well as congregational prayer space that would in particular benefit members of the community who are of the Islamic faith². Currently there exists no dedicated prayer facility for the Muslim community within the whole of Hatfield. It is in St Albans that the nearest facility can be found, and thus it is inconvenient and not ideal due to the distance and travel required to reach it.
35. Thus, the appeal scheme would produce a public benefit, the nature of which is such that I give it substantial weight. Nevertheless, the findings that I have made about the harm to heritage assets, the poor design and layout, lack of some facilities, and the impact at times on the safe functioning of the highway, amount to reasons to conclude that the public benefits of the development would not overcome the harm identified. It is also the fact that the particular community that the facility would serve would suffer the shortcomings in relation to pedestrian safety, disability access, etc.

² Under the Public Sector Equality Duty, a protected characteristic is religion or belief.

36. For these reasons, the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR