

Appeal Decisions

Site visit made on 5 September 2024

by D R McCreery MA BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th October 2024

Appeal A Ref: APP/B1930/W/24/3342083

St Michaels Manor Hotel, Fishpool Street, St Albans AL3 4RY

- 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 St Michaels Manor Hotel against the decision of St Albans City Council.
 - The application Ref is 5/23/1472.
 - The development proposed is temporary retention of existing pergola, for a period of two years from the date of determination of the application.
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Appeal B Ref: APP/B1930/Y/24/3342081

St Michaels Manor Hotel, Fishpool Street, St Albans AL3 4RY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by St Michaels Manor Hotel against the decision of St Albans City Council.
 - The application Ref is 5/23/1398.
 - The works proposed are temporary retention of existing pergola, for a period of two years from the date of determination of the application.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. Although the proposal is in situ, I have considered the appeals on their own merits. I have noted references in the Council's evidence to the installation of an air conditioning unit. In the absence of detail, and for the avoidance of doubt, my focus is what the Appellant describes as a

'pergola' only. Matters relating to other potential works are outside the scope of these appeals.

4. As the site is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).

Main Issues

5. The main issues are whether the proposal would preserve a Grade II* listed building known as "St Michael's Manor House" (Ref: 1347093) (the Manor House) and any features of special architectural or historic interest that it possesses and whether it would preserve or enhance the character or appearance of the St Albans Conservation Area (the Conservation Area).

Reasons

6. The Conservation Area encompasses much of the city, including medieval and nineteenth century development and areas of surrounding landscape. As one of the oldest roads and part of the historically important thoroughfare between Chester and London, Fishpool Street is a focal point for this section of the Conservation Area. This is reinforced by the high proportion of well-preserved historic buildings that closely line the serpentine road, responding to the sloping topography and creating a distinctive vista. The significance of the Conservation Area, insofar as it relates to these appeals, is derived from the understanding it brings of St Albans as a medieval settlement and its layers of historic development, enhanced by the collective contribution of historic buildings along Fishpool Street.
7. The Manor House is a large 17th century building, with historic additions and alterations. It is a visual landmark building within the Fishpool Street townscape by virtue of its scale, appearance, and elevated position within the local topography. It has a grand symmetrical frontage that is visible from the road but does not directly address it. To the rear the large, open garden and waterside allows full appreciation of the rear elevation, including the historical layering of additions.
8. Insofar as it relates to these appeals, the building's special interest and significance is largely derived from the architectural form and features of the exterior of the building, that preserves its role as a landmark building within the Fishpool Street townscape and the quality of its visual relationship with the rear gardens, including allowing understanding and interpretation of the building's historic layers.

9. The proposal is substantially glazed, with metal pillars, and a dome shaped roof. It is a low-quality addition with incompatible materials that has a jarring relationship with the host building. While described as a 'pergola', its solidity, physical attachment to the building and appearance results in a structure that reads as nothing less than an extension to the Manor House.
10. The location of the proposal results in a side elevation projecting beyond the main façade of the Manor House and, in doing so, disrupts the symmetry of the main frontage. It exposes the Fishpool Street townscape to views of what is, by virtue of its scale and design, an alien feature that is incompatible with the historic character of the surroundings. It detracts from both the standing of the Manor House as a landmark building and the Fishpool Street townscape.
11. The townscape effects on the Conservation Area are mitigated marginally by substantive views being available at closer quarters. Nevertheless, it would be wrong to say that the proposal is not visible in longer views, including from Varulamium Park and the bridge as Fishpool Street becomes St Michael's Street. The effect of the location of the proposal on both the listed building and the Conservation Area is harmful.
12. The scale and form of the addition is closely related to the issues discussed arising from the location. The dome roof and the height are significant contributors to the negative effects. The scale of the proposal obscures a portion of the rear elevation. In doing so it hinders the ability to appreciate the rear of the building from the garden, including the historic layering of additions. The result is a reduction in opportunity to interpret the historic parts of the building.
13. As seen from the garden, the expanse of glazing gives this part of the building a lifeless appearance that contrasts poorly with the more lively and visually interesting external finishes of the host building. The extent of this impact is heightened as substantive views from the garden are from lower ground.
14. The height also physically and visually interferes with the first floor of the main building's rear elevation. This includes very unfortunate impacts on the first floor windows above the proposal, which have become obscured.
15. Considering the harm identified above, the proposal would fail to preserve the Grade II* Listed Building, and the features of special architectural or historic interest that it possesses. It would also neither preserve nor enhance the character or appearance of the Conservation Area.

16. Paragraph 205 of the National Planning Policy Framework (Framework) says that, when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to say that any harm to, or loss of, the significance of a designated heritage asset from its alteration should require clear and convincing justification.
17. In this case, the harm would be less than substantial but nevertheless of considerable importance and weight. In these circumstances, paragraph 208 (Framework) advises that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
18. The Appellant's consideration of financial benefits, including detailed financial information in the Appendices to their statement of case, sets out the contribution the proposal makes in revenue generation terms. This assists with securing the optimum viable use of the heritage asset as a hotel, with associated ongoing stewardship as well as economic benefits linked to employment and local supply chains. These are public benefits of the proposal that are, assessing the scale of the contribution on the basis of the evidence provided by the Appellant, attracts substantial weight. Paying regard to the advice in the Planning Practice Guidance drawn to my attention by the Appellant, an absence of public access does not diminish the weight given to this benefit.
19. I have paid due regard to the consultation response from Historic England and their publication 'Temporary Structures in Historic Places', insofar as it is drawn to my attention. As mentioned above, what the Appellant calls a 'pergola' appears more to be an extension to the Manor House. Any notion of 'temporary' comes from the Appellant's wish to see it remain in place for a further two years. This is in circumstances where, if the Appellant's contention is taken at face value, it has already been in situ since 2020. To my mind the timescales and nature of the proposal bring into question whether Historic England's guidance is directly applicable. Nevertheless, I have considered and applied its principles as appropriate, including in my attribution of substantial weight to the Appellant's financial benefits.
20. I appreciate the Appellant's wish for a period of time to allow the structure to remain in place while they negotiate and build a permanent event space and manage existing bookings. While there is an intention to seek a replacement, and some indication from the Council that may be possible, the specific detail on this is limited. In any event, as I am duty bound to consider the proposal on its own merits, implications related to it already being in situ is not a factor influencing the balance materially.

21. Weighing these matters up, although the financial benefits assist in securing the optimum viable use of the asset, which is a matter attracting substantial weight, the public benefit is not of such significance to weigh against the harm to the heritage asset, baring in mind that the harm attracts considerable importance and weight.
22. I also give great weight to the conservation of the building in accordance with paragraph 205 (Framework). On one hand, I recognise that the proposal may assist with the conservation of the building. However, this comes at the cost of the harm identified. Weighing these matters up is a question of judgement. While I am not duty bound to follow the advice of Historic England, and I am entitled to reach my own judgement on the question of balance, I have paid very close attention to their views.
23. In conclusion, the proposal would fail to preserve the special historic interest of the Grade II* listed building. It would also not preserve or enhance the character or appearance of the Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 203 (Framework) and conflict with policies 85 and 86 of the St Albans Local Plan Review that seeks, among other things, the preservation or enhancement of heritage assets.

Other Matters

24. I have considered public and other comments received in response to both the applications and the appeals. Comments relating to the main issues have been considered as part of my reasoning on those issues.
25. In relation to noise and disturbance, I appreciate that the existing structure may offer some sound reduction by internalising noise from users that may otherwise be outside. Paying regard to the existing use and the extent of space both internally and externally at the hotel and the proximity to neighbours, the evidence does not lead me to conclude that the proposal plays a significant role in safeguarding the living conditions of nearby occupants.
26. Other comments do not materially change my overall assessment of the appeals.

Conclusion

27. The proposal would fail to preserve the Grade II* Listed Building, and the features of special architectural or historic interest that it possesses. It would also neither preserve nor enhance the character or appearance of the Conservation Area. In planning terms, there is conflict with the development plan flowing from the harm that amounts to conflict with the plan as a whole.

28. The factors discussed in the heritage balance above are also of relevance to the statutory balance required in respect of planning applications under S38(6) of the Planning and Compulsory Purchase Act 2004, but do not amount to material considerations justifying a decision other than in accordance with the development plan.
29. While it does not take supremacy over the Act, I have also paid regard to the Framework, including the economic limb of achieving sustainable development. However, this does not come at any cost and must be balanced against other aims, including protecting and enhancing our built and historic environment. No one aim should be pursued in isolation and reconciling any conflict in policy objectives pulling in different directions remains a matter of judgment. Taking the Framework as a whole, I do not find it provides a material consideration in favour of the proposal.
30. Paying regard to all matters raised, the Appeals are dismissed.

D R McCreery

INSPECTOR