



Appeal Decision

Site visit made on 6 January 2025

by J Moss BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2025

Appeal Ref: APP/B1930/X/24/3343801

The Grove, Roestock Lane, Colney Heath, St. Albans, Hertfordshire AL4 0QW

- The appeal is made under section 26K of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, against a refusal to grant a Certificate of Lawfulness of Proposed Works (CLPW).
 - The appeal is made by Mr John Haigh against the decision of St Albans City Council.
 - The application ref 5/23/2318, dated 11 November 2023, was refused by notice dated 3 May 2024.
 - The application was made under section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
 - The works for which a CLPW is sought are to install a door in the north facing elevation of the building.
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Decision

1. The appeal is allowed and attached to this decision is a certificate of lawfulness of proposed works describing the extent of the proposed works which are found to be lawful.

Preliminary Matters

2. The description of the proposed works is stated in the Council's decision notice as follows:

‘To introduce a door into a wall that was once a single storey garage. The door is accessed by a passage to the North of the property (see drawing/plan). The new door will be stained black to match all other doors. It will contain no glass & be of wooden construction all door furniture will be black & of a historic design to match others.’
3. This is a fairly lengthy description, which I have summarised in the header above. As I have granted a CLPW in this case, I have used the full description above in the certificate itself.

Main Issue and Main Consideration

4. Section 26H of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the 1990 Act) informs that if on an application under this section the local planning authority are provided with information satisfying them that the works described in the application would be lawful at the time of the application, they must issue a certificate to that effect; and in any other case they must refuse the application. My decision is, therefore, based on the facts of the case and judicial authority.

5. As the Council refused the application subject of this appeal, the main issue is whether the Council's decision to refuse to grant a CLPW is well founded.
6. Section 26H(2) of the 1990 Act informs that works would be lawful if they would not affect the character of the listed building as a building of special architectural or historic interest. The main consideration in this case is, therefore, whether or not the works proposed would affect the character of the listed building as a building of special architectural or historic interest and, therefore, whether or not they would have been lawful within the meaning of section 26H(2) of the 1990 Act if carried out at the time the CLPW application was made.

Reasons

Special interest

7. The appeal property is a grade II listed dwellinghouse dating from the 15th to 16th Century. The building has been subject to some change, which includes 17th and 18th Century alterations and additions as well as the 20th Century addition referred to below. The special interest of the building is largely derived from its historic and architectural interest.
8. The building has a timber frame with red brick front facade. The other elevations are predominantly cream painted render or cream painted brick. The main core of the building is two storey, with a two storey rear wing. The front elevation of this central part of the building is dominated by the steeply pitched machine tile roof between two red brick chimney stacks.
9. There is a single storey side annexe to the south of this central section of the building that also has a steeply pitched roof, in keeping with the building's historic form. A further side annexe to the north (that is the subject of the proposed works) has a more shallow, hipped roof. It is agreed that this is a 20th Century addition, constructed sometime in the 1950s. There is no dispute that this addition was originally designed and used as a garage, but has more recently (late 1990s) been altered to provide additional living accommodation. These alterations included the provision of a hipped roof and replacement of a garage door with a window.
10. The window and door openings on the front elevation are modest. The window opening added to the front elevation of the 20th Century addition replicates the design, size and height of those in the more historic section of the front façade.
11. Despite the more recent additions, the historic form of the building, including the central two storey section and single storey addition to the south, is still legible. These historic parts of the building contribute to the building's historic and architectural interest.
12. I acknowledge that the addition to the north of the central two storey section was in place at the time the building was listed in 1984. However, its age and uses mean that it contributes little to the building's historic interest. Moreover, although its subservient scale and complementary materials mean that it does not detract from the historic core of the property, it makes only a negligible contribution to the building's architectural interest.

The effect of the proposal

13. The proposal comprises the installation of a timber door and door frame in the side, north facing, elevation of the 1950s side addition. Whilst no internal alterations are proposed to the layout of the building, the works will require the opening up of a section of the north facing elevation, which the appellant says is in the location of a previous window opening in the former garage. This is not disputed by the Council and there is evidence of this former opening on site, where in this location there is a patch of render that has a different texture to that elsewhere on this elevation. Whilst the proposal will result in the loss of building fabric, the evidence indicates that this fabric dates from either the 1950s or the late 1990s. Furthermore, the fabric would be lost from a part of the building that is a very recent addition in the life of this heritage asset. As I note above, this part of the building adds little to the heritage asset's historic and architectural interest.
14. The description of the works confirms that the door will contain no glass and that the design will be 'historic' to match others in the building. It describes the proposed door as being of 'wooden' construction, stained black and with furniture to match all other doors. Other than this description, there are no detailed drawings of the door proposed.
15. There is some variety in the existing external doors on the building. The main door on the front entrance is solid timber, with vertical panels and elaborate metal stud detail. The door in the rear two storey wing, opening out onto the rear courtyard, is also timber and features vertical panels and some stud detail. The doors in the rear of the southern addition also feature vertical panels, but have a small window opening. It is not clear whether or not any of these doors are historic. Nevertheless, they are in keeping with the character of the heritage asset.
16. The only other remaining door is in the more recent rear addition and is clearly of a more modern design, featuring a large, upper glazed section with glazing bars. Save for the main front door that has a very dark stain, all external doors appear to be painted the same colour black.
17. Despite the lack of detailed drawings, as the description confirms that the proposed door would match other solid, rather than part glazed, external doors in the building, it would feature vertical panels in keeping with the external doors in the more historic parts of the building. The description of a black stained, solid timber door, without any glass, would be an unassuming addition to a secondary elevation of the building, having a neutral effect on the special interest and thus character of the heritage asset.
18. I acknowledge that the proposed works affect an addition to the building that was, in some form, in situ at the time the building was listed. However, this alone is not decisive in determining whether or not the proposed works would affect the character of the heritage asset as a building of special interest. It is important to consider the effect of the proposed works, having regard to the building's special interest. Having done so, and for the reasons given above, I conclude that the works proposed would not affect the character of the listed building as a building of special architectural or historic interest. Accordingly, if carried out at the time the CLPW application was made, the works would have been lawful.

Conclusion

19. For the reasons given above, I conclude that the Council's refusal to grant a CLPW in respect of the installation of a door in the north facing elevation of the building is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me under section 26K(4) of the 1990 Act in respect of these matters.

J Moss

INSPECTOR



Certificate of Lawfulness of Proposed Works to a Listed Building

THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990: SECTIONS 26H and 26I

THE PLANNING (LISTED BUILDINGS) (CERTIFICATES OF LAWFULNESS OF PROPOSED WORKS) REGULATIONS 2014: REGULATION 3

IT IS HEREBY CERTIFIED that on 11 November 2023 the works described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 26H(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, for the following reason:

The works specified in first schedule hereto would not affect the character of the listed building as a building of special architectural or historic interest.

Signed

J Moss

INSPECTOR

Date: 11 March 2025

Reference: APP/B1930/X/24/3343801

First Schedule

To introduce a door into a wall that was once a single storey garage. The door is accessed by a passage to the North of the property (see drawing/plan). The new door will be stained black to match all other doors. It will contain no glass and be of wooden construction. All door furniture will be black and of a historic design to match others.

Second Schedule

Land at The Grove, Roestock Lane, Colney Heath, St. Albans, Hertfordshire AL4 0QW.

NOTES

This certificate is issued solely for the purpose of Section 26H and 26I of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended. It certifies that the works described in the First Schedule taking place on the land specified in the Second Schedule are lawful, on the certified date and, thus, are not liable to enforcement action, under section 38 of the Act.

This certificate applies only to the extent of the works described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any works which are materially different from that described, or which relate to any other land, may result in a breach of listed building control which is liable to enforcement action by the local planning authority.



Plan

This is the plan referred to in the Certificate of Lawfulness of Proposed Works dated: 11 March 2025

by **J Moss BSc (Hons) DipTP MRTPI**

Land at: The Grove, Roestock Lane, Colney Heath, St. Albans, Hertfordshire
AL4 0QW

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Scale: Not to scale

