
Appeal Decision

Site visit made on 7 May 2025

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 JUNE 2025

Appeal Ref: APP/B1930/W/24/3353595

65/67 Park Street, St Albans, Hertfordshire AL2 2PE

- 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 Watret Ltd against the decision of St Albans City Council.
 - The application Ref is 5/2024/1220.
 - The development proposed is to add another floor to the outbuilding.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal and that proceeding without further consultation with the main parties would not be prejudicial to their respective cases.
3. The Council has confirmed that the appeal building is not curtilage listed and as such listed building consent would not be required for the proposed development. Whilst listed building consent is not required, given the location of the appeal building within the setting of a listed building and Conservation Area, the Council's Design and Conservation Officer has provided consultee comments on the proposed development. These comments are a material consideration in my assessment.

Main Issues

4. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Park Street and Frogmore Conservation Area; and,
 - the effect of the proposal on the significance of 65-67 Park Street as a Grade II listed building, through development in its setting.

Reasons

5. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In addition, Section 66(1) of the Act requires the decision maker, in considering whether to

grant planning permission for development which affects a listed building or its setting, to 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.

Conservation Area

6. The appeal site is located within the Park Street and Frogmore Conservation Area (CA). My attention has been drawn to the Conservation Area Character Statement for Park Street and Frogmore. I have drawn on this and my own observations on site to determine the character, appearance and significance of the conservation area.
7. The significance of the CA is derived by its historic origin and the historic nature of surviving buildings within it (ranging from seventeenth, eighteenth and early-nineteenth century), which have architectural and historic interest. Many of these buildings are listed and have historic high pitched clay roof tiles, which positively contribute to the character and appearance of the CA. 61-63 Park Street (originally a late medieval hall house and adjoining parlour) are some of the oldest buildings in Park Street. These buildings are located in a terrace with the appeal site that have high pitched clay tiled roofs that decrease in height on the lead up to the memorial garden.
8. The appeal building is a single storey outbuilding located between 65-67 Park Street and the open space that adjoins the war memorial. Despite the footprint of the building remaining unaltered, the proportions of the proposed extension would be at odds with other roof forms in the terrace. This is because the proposed gable end would be narrow and result in a steeper pitch when compared to others in the terrace. The length of the proposed addition along the entire depth of the outbuilding would also unacceptably increase the massing of the appeal building, thereby increasing its prominence when viewed from the approach from the memorial garden. In addition, the proposed increased height of the extension would fail to respect the decreasing heights within the terrace.
9. Reference is made to a building that was granted permission within the CA adjacent to the listed Swan Public House and photographs of other developments approved within the CA have been provided. The location, specific planning, and policy considerations behind these examples have not been provided. However, none appear to relate to development within the curtilage of a listed building or the upward extension of an outbuilding. Each of these developments therefore differs from the appeal proposal, limiting the weight that I can ascribe to them in determining this appeal. Whilst the examples contribute to the ongoing evolution of the character and appearance of the conservation area, given the differences between them and the appeal scheme, none of them are so similar that they outweigh the harm that I have identified.
10. Whilst the current building has a box like appearance and a change in roof profile could be an improvement, any proposed design should respect the proportions and form of the terrace and the adjacent listed building. In addition, whilst the appeal scheme has been designed to address previous comments from the Council and the materials proposed would be acceptable, this would not overcome the harm identified in respect of the form and scale of the proposal.

11. For the reasons above, the proposed development would fail to preserve or enhance the character or appearance of the CA. It would therefore be contrary to policies 69, 72 and 85 of the St Albans District Plan 1994 (the District Plan). These policies amongst other things require proposals to preserve or enhance the CA, and extensions to have a high standard of design that takes into account the scale and character of surrounding development. It would also conflict with the duty under 72(1) of the Act.

65-67 Park Street

12. The appeal building is within the curtilage of 65-67 Park Street, a Grade II listed building. No 65-67 is a 17th Century timber framed building with a high-pitched tiled roof. Its significance is derived from its age in addition to its architectural features.
13. The appeal building is located in close proximity to the listed building and is therefore within its setting. The increased height and associated bulk and mass of the outbuilding would transform the current subservient nature of the outbuilding to an imposing building which would be comparable in height to the extended section of the listed building but greater in depth than the listed building. The impact of the increased height would be particularly noticeable when approaching the site from the memorial garden due to the open nature of the adjoining land. As a result, the outbuilding would appear imposing and unduly prominent and consequently fail to preserve the setting of the listed building.
14. The appellant accepts that only one or two specific angles could potentially suggest any perceived harm to the adjacent listed building and outlines that the listed building is already obstructed by the existing structure. Whilst the existing building obstructs the view of the listed building, the increased height of the proposed development would exacerbate this impact.
15. For the reasons above, the proposed development would unacceptably affect the significance of 65-67 Park Street, a Grade II listed building through development in its setting. It would therefore be contrary to Policy 86 of the District Plan, insofar as it requires the preservation of the setting of listed buildings. It would also conflict with the duty under 66 (1) of the Act.

Other Matters

16. Whilst there have been no objections from residents to the scheme, this would not imply that the proposal complies with the duties under S66 and S72 of the Act or the development plan.
17. Reference is made to a statement made by St Stephens Local Parish but the officers report notes that no comments were received from the Parish and no other evidence of a response has been provided.
18. Accusations have been raised about the local knowledge and conduct of the Design and Conservation Officer. This is not a matter for the determination of this appeal. In addition, reference is made to a photograph taken by this officer and its relevance due to it being taken from a car park. However, assessing the impact of the proposal from all points from where the development could be viewed would be appropriate.

19. The Council refer to the scheme being contrary to the St Stephen Neighbourhood Plan, but policies from it have not been cited. Given I have found conflict with the policies set out above, I do not need to address this further.

Planning Balance and Conclusion

20. The proposal would fail to preserve or enhance the character and appearance of the CA and would fail to preserve the setting of 65-67 Park Street, a Grade II listed building.
21. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. With reference to the harm to the CA and the setting of the listed building identified, given the scale and nature of the proposal, the degree of harm to the significance would be less than substantial, which Paragraph 208 of the Framework indicates should be weighed against the public benefits of the proposal.
22. Whilst the provision of additional employment floor space would be deemed a public benefit, given the scale of the proposal, this benefit attracts limited weight and would be insufficient to outweigh the harm to the CA and the setting of the listed building identified.
23. Taking all of the above into account, the proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it.
24. For the reasons given above the appeal is dismissed.

V Goldberg

INSPECTOR