



Appeal Decision

Site visit made on 13 January 2026

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th January 2026

Appeal Ref: APP/B1930/W/25/3374624

Land Adjacent 1 Watford Road, St Albans, Hertfordshire AL1 2AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Denton King against the decision of St Albans City Council.
- The application Ref is 5/25/0900.
- The application sought planning permission for a single storey detached house and associated work including parking and landscaping without complying with a condition attached to planning permission Ref 5/24/1819, dated 24 March 2025.
- The condition in dispute is No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: DRG No. 2308_X_10_00 Rev A, 2308_P_30_02, 2308_P_30_01, 2308_P_20_00, 2308_P_20_02, 2308_P_20_01, 2308_P_40_02, 2308_P_40_03, 2308_P_40_04, 2308_P_40_01, 2308_P_10_00 Rev A.
- The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning.

Decision

1. The appeal is allowed and planning permission is granted for a single storey detached house and associated work including parking and landscaping at Land Adjacent 1 Watford Road, St Albans, Hertfordshire AL1 2AA in accordance with the application Ref 5/25/0900, without compliance with condition number 2 previously imposed on planning permission Ref 5/24/1819 dated 24 March 2025 and subject to the conditions in the attached schedule.

Preliminary Matters

2. For the avoidance of doubt, I have used the address given on the decision notice in the banner heading and my formal decision as this more accurately describes the location of the site.
3. The appellant has submitted a Heritage Impact Assessment¹, Arboricultural Impact Assessment² (AIA) and Tree Protection Plan³ (TPP) with their appeal. As the Council has had the opportunity to comment on these documents and their content expands upon documents submitted with the original planning application, I am satisfied that accepting these documents would not prejudice other interested parties. I have therefore considered these documents as part of this appeal.
4. The appeal site is within the St Albans Conservation Area and located in close proximity to several listed buildings. In considering whether to grant planning permission, I have been mindful of my statutory duties under Sections 66(1) and 72(1)

¹ Dated October 2025

² Ref. GHA/DS/321160:25

³ Revision C dated October 2025

of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require special regard to be given to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and for special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

5. The Council has commenced the preparation of a new local plan, which it has stated is at Regulation 22 stage. However, the Council's reasons for refusal do not identify any conflict with the emerging Local Plan and I have limited information on its status, including any interim findings or main modifications. This leaves uncertainty as to the degree to which any emerging policies may change. I have therefore based my decision on the current adopted development plan.

Background and Main Issues

6. Planning permission was granted for the construction of a new dwelling at the site in March 2025⁴ (the original permission). Condition 2 of this permission specified the approved plans. The appellant seeks to amend this condition to alter the design of the dwelling. Simply put, these include the insertion of two roof lights into the flat roof, changing the approved window material from timber to metal and increasing the footprint of the dwelling. The Council has raised no objection to the roof lights or revised window material, and based on the evidence before me, I see no reason to take a different view. The crux of the Council's case therefore relates to the effect of the increase of the footprint of the dwelling.
7. The Council's second reason for refusal refers to the absence of sufficient information to demonstrate the effect of this footprint increase on nearby Yew trees and the consequential effect of any adverse impact on the St Albans Conservation Area. Conflict was identified with Policies 70, 74 and 85 of the City and District of St Albans District Local Plan Review (1994) (the Local Plan). However, the Council has confirmed that the AIA and TPP submitted with this appeal would allow for adequate protection of these trees, subject to conditions, which is sufficient to address their concerns. I see no reason to come to a different conclusion on this matter.
8. The main issue in this appeal is therefore, the effect that varying the condition to increase the footprint of the dwelling would have on the settings of nearby listed buildings, particularly the Grade II listed St Stephen's House⁵ and Barn in the Gardens of Number 6 and 8 Watling Street⁶ (the Barn).

Reasons

Listed buildings

9. The appeal site forms part of the garden of 1 Watford Road which at the time of my site visit was partly laid to grass and had been partially excavated. Several established trees were present in the vicinity. Within the surrounding area are several listed buildings and the appeal site is bound to the front by an old brick wall which is understood to be curtilage listed in association with St Stephen's House.
10. St Stephen's House is a Grade II listed, wide, symmetrical, early 18th Century building constructed in red brick with a parapet and hipped tile roof. From the evidence before

⁴ Council Ref. 5/24/1819

⁵ List Entry No. 1174726

⁶ List Entry No. 1103041

me, the special interest and significance of this listed building derive, in part, from its architectural and historic interest due to its surviving historic fabric, pleasing architectural form and design, including key features and detailing which are reflective of its age and a property of some status.

11. The garden of this building formerly extended to the south-west, siding Watford Road and included the appeal site. While this has since been sub-divided, the old boundary wall along the highway frontage nevertheless provides a visual link between the site and St Stephen's House and conceals the more recent dividing wall that was built when the ownership changed. Despite this subdivision, presence of a modern garage building to the rear of St Stephen's House and established trees and vegetation in the vicinity, the appeal site still reads from the public realm as forming part of an open area of garden associated with St Stephen's House, which adds to the experience of it being a dwelling of some status. This, along with the views of the listed building that can be achieved across the appeal site which enable its special interest to be appreciated and understood, contribute positively to its setting.
12. To the east of the site is a Grade II listed barn (the Barn) that stands in the rear gardens of 4-8 Watling Street. The official listing description states the building is a three-bay tarred weatherboarded barn with a tile roof from the 17th Century. From the evidence before me, the precise origins of the Barn are unclear, but it is understood to have a former agricultural association. Interested parties have also disputed the dating of the building, providing information suggesting the building dates from the mid-to-late 16th Century. Nevertheless, insofar as is relevant to this appeal, the special interest and significance of this listed building derive from its architectural and historic interest, including its timber-framed structure reflecting traditional methods of construction and association with agriculture.
13. The Barn is not readily visible from the public realm and, where such views are achievable from Watford Road, they make little contribution to the ability to understand the building's special interest and significance. Instead, it is better appreciated from the rear gardens of Nos 4-8, where it has remained relatively well separated from surrounding development. Therefore, while development has occurred around the Barn, its setting has nevertheless retained a degree of openness in which it had its origins. Despite the Barn having no known historic relationship with the appeal site or St Stephen's House, as an undeveloped parcel of land, the appeal site makes a positive contribution to the Barn's open setting.
14. Permission has been granted on the site for a roughly L-shaped, flat roofed dwelling, positioned broadly towards the north-eastern side of the site. While the dwelling would occupy a sizable portion of the appeal site, the Council concluded that its relatively low height, flat roof design and positioning would preserve the views of the rear of St Stephen's House and would not detract from its status, thereby preserving the significance of the listed building and its setting. Similarly, the location of the dwelling away from the Barn so as to retain views from Watford Road and its relatively low-profile roof design were also considered to preserve its setting and significance.
15. This appeal scheme would increase the footprint of the dwelling by approximately 560mm towards St Stephen's House, 600mm towards the Barn and 400mm towards 1 Watford Road. This would reduce the separation distances between the new dwelling and these two listed buildings and would result in development occupying a greater proportion of the site. However, the additional footprint would be relatively minor when compared with the scale of the approved dwelling. Its overall design,

height and massing would also be largely unchanged with circulation space between the dwelling and the site boundaries retained.

16. Given the screening afforded by the boundary walls surrounding the appeal site, the minor reduction in the separation distances between the site boundaries is unlikely to be highly perceivable from the public realm. However, even if it was noticeable, the increased footprint would not result in any significant additional bulk that would obscure views to the rear of St Stephen's House or the Barn. Nor would the amendments reduce the separation distances with these listed buildings to such a degree that it would result in any greater encroachment into their settings than the approved design.
17. Other listed buildings in the surrounding area include the Grade II listed 4-8 Watling Street⁷, a terraced row dating from the 18th Century, the Grade II* Church of St Stephen⁸, which dates to the 11th Century, and the Grade II listed 18th Century King Harry Public House⁹, which lie to the north-east. Neither party has suggested that the appeal site is within the setting of these listed buildings. The Council has not raised any concerns in relation to the effect of the scheme on the significance of these listed buildings either. Given the degree of separation, relationship between the appeal site and these listed buildings and the limited amendments proposed as part of this appeal, I see no reason to come to a different conclusion.
18. For the above reasons, I therefore conclude that the amended design would preserve the settings and significance of nearby listed buildings, particularly the Grade II listed St Stephen's House and Barn. This accords with Policy 86 of the Local Plan which requires special regard to be given to the desirability of preserving listed buildings, their setting and any features of architectural or historic interest they possess. It also complies with Chapter 16 of the National Planning Policy Framework (the Framework) which requires consideration to be given to the impact of a proposal on the significance of a designated heritage asset, and great weight to be given to the asset's conservation.

Other Matters

19. The appeal site is within the St Albans Conservation Area (CA) which covers a significant area of the city. Its network of streets and open spaces, combined with the diversity of buildings and the prominent presence of the cathedral, reflect its evolution as a key administrative and ecclesiastical centre over many centuries. These elements contribute to its significance and define its distinctive character and appearance.
20. The site is within Character Area 7b of the CA, which covers the southern part of the CA. A large proportion of this character area is public realm and open space, however, it also contains residential areas of a particularly verdant character. While 1 Watford Road is a modern dwelling located outside of the CA, the appeal site is within it. As a whole, the CA derives much of its character from its mix of traditional buildings and open green spaces. The significance of the CA, insofar as it relates to this appeal, is therefore primarily associated with the pattern of development and the way the buildings of varying ages and styles reflect the evolution of the area.
21. The appeal site is an undeveloped parcel of land that was formerly associated with St Stephen's House, a prominent listed building within this character area of the CA. The boundary wall along Watford Road screens much of the site from public view.

⁷ List Entry No. 1347157

⁸ List Entry No. 1295653

⁹ List Entry No. 1174201

However, its open character is nevertheless apparent and the noticeable, established trees within and around the site provide a verdant, green break between the cluster of historic buildings to the north-east and the modern suburban housing outside of the CA which stretches to the south. Consequently, the appeal site makes a positive contribution to the character and appearance of the CA and its significance.

22. Following receipt of the AIA and TPP the Council has confirmed the scheme would allow for adequate protection of onsite trees, subject to conditions, which is sufficient to address their previous concerns. I acknowledge the concerns raised by interested parties and note that the development would have a close relationship with existing trees. However, the additional encroachment into their root protection areas would be relatively minor. I do not disagree that the removal of or consequential decline of the established Yew trees would reduce the verdant character of the site and the contribution it makes to the CA. However, there is no substantive evidence before me that the appeal scheme would have a greater effect on these trees or increase the pressure for their removal in the future, when compared with the approved dwelling. Subject to conditions to comply with the AIA and TPP, the development would therefore preserve the significance of the CA.
23. Representations have been made by interested parties in relation to several other matters which have been duly taken on board. However, there is no substantive evidence before me that the amendments proposed in this appeal would have an adverse effect on highway safety or the stability of the boundary walls around the site. The amendments would result in the dwelling being closer to the common boundary with St Stephen's House. However, due to the intervening boundary treatment and single storey design of the dwelling, this would not have any greater effect on the living conditions of this neighbouring property or its garden area. I also note that the Council has not raised any objection to the proposal in these regards, and I see no reason to come to a different conclusion.
24. While a condition was imposed on the original permission to restrict the property's permitted development rights, this does not mean that any extension or alteration to the dwelling must be prohibited. Instead, it means that express planning permission is required so as to ensure such development would preserve the setting of nearby designated heritage assets, which I have found to be the case in this instance.

Conditions

25. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 of the Town and Country Planning Act 1990 should also restate the conditions imposed on earlier permissions that continue to have effect. I have limited information before me about the status of the other conditions imposed on the original planning permission. However, having regard to the Council's list of suggested conditions, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.
26. I have amended condition 1 so that the time limit for implementation runs from the date of the original permission (Ref. 5/24/1819). Considering the scope of this appeal, condition 2 has been amended to take account of the amended plans. Condition 11 has also been amended to refer to the AIA and TPP submitted with this appeal.
27. Condition 18 relates to the biodiversity gain condition. However, where Biodiversity Net Gain (BNG) is applicable, the general biodiversity gain condition is deemed to

apply to every planning permission granted and should not be duplicated by planning conditions. As such, I have not attached this condition.

Conclusion

28. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Accordingly, for the reasons given above, I conclude that the appeal should succeed. I will therefore allow the appeal and grant a new planning permission substituting Condition 2 and restating and amending, where necessary, those undisputed conditions that are still subsisting and capable of taking effect.

H Whitfield

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be begun before 24th March 2028.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2308_X_10_00 PL, 2308_P_30_02 PL_B, 2308_P_30_01 PL_B, 2308_P_20_02 PL_B, 2308_P_20_01 PL_B, 2308_P_40_04 PL_B, 2308_P_40_01 PL_B, 2308_P_40_03 PL_B, 2308_P_40_02 PL_B, 2308_P_10_00 PL.
- 3) No development, other than demolition and site clearance works, shall take place until details of existing levels and proposed structural slab levels have been submitted to and approved in writing by the Local Planning Authority. Development thereafter shall proceed in accordance with the agreed details.
- 4) No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the building, including windows and doors, hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 5) The development hereby permitted shall not proceed beyond damp proof course until larger scale detailed plans and drawings showing:
 - a) eaves (at a scale of 1:10)
 - b) windows and openings including sections and reveals (at a scale of 1:5)
 - c) parapets (at a scale of 1:10)have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out except as in accordance with details so approved.
- 6) The cycle store shall not be constructed or installed until full details of these structures, including external materials, floorplans and elevations at a scale of 1:20 shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out except in accordance with details so approved.
- 7) Detailed drawings and full particulars of the proposed green roof shall be submitted to and approved by the Local Planning Authority, in writing, before any work proceeds beyond damp-proof course. The details shall include cross sectional drawings of the proposed green roof system confirming that the green roof is specified with a substrate base of at least 80mm, not including the proposed vegetative mat. The development shall not be carried out otherwise than in accordance with the details so approved.
- 8) No enlargement or extension of the dwelling hereby permitted, including an additions or alterations to the roof within the application site shall be carried out under Classes A, B and C of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), without the prior written permission of the Local Planning Authority.
- 9) Prior to works above ground other than demolition, details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- a) means of enclosure/boundary treatments including soft screening adjacent to the parking area;
- b) car parking layouts;
- c) other vehicles and pedestrian access and circulation areas;
- d) hard surfacing materials which shall be permeable or drained to a permeable area; and
- e) a programme of implementation.

All hard landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority.

- 10) Soft landscape works required to be submitted under Condition 9 shall include planting plans; written specifications (including cultivation and other operations associated with the plant and grass establishments); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; an implementation programme should be submitted.
- 11) The development shall be carried out in accordance with the details contained within the 'BS5837:2012 Tree Survey and Arboricultural impact Assessment', dated 10/10/2025, ref. GHA/DS/321160:25 and Tree Protection Plan Rev C, dated October 2025. Thereafter, any changes differing from the details approved would need to be submitted and approved in writing by the Local Planning Authority.
- 12)
 - A. No development or preliminary groundworks of any kind shall take place until a programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI), which has been submitted by the applicant, for approval by the Local Planning Authority.
 - B. No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological evaluation identified in the WSI defined in Part 1a and confirmed by the archaeological advisors to the Local Planning Authority.
 - C. Following on from the discharge of Part 12b, no development or preliminary groundworks of any kind shall take place until the submission of a mitigation WSI detailing the excavation/preservation strategy for approval by the Local Planning Authority.
 - D. No development or preliminary groundworks can commence on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation WSI defined in Part 12c, and approved by the Archaeological Advisors to the Local Planning Authority.
- 13) Following the completion of the fieldwork and the post-excavation assessment in Condition 12, appropriate resources will be agreed with the Local Planning Authority for the post-excavation project generated by the archaeological WSI in Condition 12. This will include all necessary works up to and including an appropriate publication and archiving and will include an agreed timetable and location for that publication.
- 14) No development shall commence until a Construction Management Statement has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the

development shall only be carried out in accordance with the approved Plan:
The Construction Management Statement shall include details of:

- a. Methods for accessing the site, including construction vehicle numbers, type and routing;
 - b. associated parking areas and storage of materials clear of the public highway;
 - c. Timing of construction activities (including delivery times and removal of waste) and to avoid network peak and school times;
 - d. Cleaning of site entrance and the adjacent public highway; and
 - e. Details of measures to protect pedestrians and other highway users from construction activities on the highway.
- 15) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.
- 16) Prior to the bringing into use of any part of the development hereby approved, a 1.8m high close boarded fence shall be erected along the boundary separating the proposed dwelling and No.1 Watford Road.
- 17) The dwelling(s) hereby approved shall be constructed as self-build and custom housebuilding dwelling(s) within the definition of self-build and custom build dwellings in section 1(A1) of the Self build and Custom Housebuilding Act 2015 (as amended):
- i) The first occupation of each dwelling in the development hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling;
 - ii) The Council shall be notified, in writing, of the persons who intend to take up first occupation of each unit in the development hereby permitted at least two months prior to first occupation.

**** END OF SCHEDULE ****