

Appeal Decisions

Site visit made on 6 January 2015

by A Banks BA(Hons) DipUD PGCM MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 January 2015

Appeal A - Ref: APP/B1930/A/14/2227598

43-45 Verulam Road, St Albans, Hertfordshire AL3 4DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr James Hanning against the decision of St Albans City & District Council.
 - The application Ref 5/14/1052, dated 15 April 2014, was approved on 19 August 2014 and planning permission was granted subject to conditions.
 - The development permitted is described as replace the existing patio with new paving slabs, to the same design.
 - The condition in dispute is No 2 which states that: *No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.*
 - The reason given for the condition is: *To ensure that the finished appearance of the development is satisfactory. To comply with Policies 69, 74 and 85 of the St Albans District Local Plan Review 1994.*
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Appeal B - Ref: APP/B1930/A/14/2227602

43-45 Verulam Road, St Albans, Hertfordshire AL3 4DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr James Hanning against the decision of St Albans City & District Council.
 - The application Ref 5/14/1051, dated 15 April 2014, was approved on 19 August 2014 and planning permission was granted subject to conditions.
 - The development permitted is described as patio at rear, to match patio at front.
 - The condition in dispute is No 2 which states that: *No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.*
 - The reason given for the condition is: *To ensure that the finished appearance of the development is satisfactory. To comply with Policies 69, 74 and 85 of the St Albans District Local Plan Review 1994.*
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Decision

1. Both appeals are allowed and the planning permissions: Ref 5/14/1052 to replace the existing patio with new paving slabs, to the same design; and Ref 5/14/1051 for patio at rear, to match patio at front, at 43-45 Verulam Road, St Albans, Hertfordshire AL3 4DG granted on 19 August 2014 by St Albans City & District Council, are varied by deleting condition 2.

Preliminary Matters

2. As set out above, there are two appeals. They only differ in the garden areas where it is proposed to lay the patios. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. The appeal property is a public house which according to the forms and other information submitted with the appeal was called the 'Spotted Bull'. However when I visited the site the signs name it as 'The Brickyard'. I have therefore refrained from using the Spotted Bull in the address details.

Main Issue

4. The appeal site comprises a locally listed building located within the St Albans Conservation Area (CA) and an Article 4 Directions area. Therefore the main issue, in both cases, is whether the condition is reasonable or necessary in the interests of the character and appearance of the area and the preservation or enhancement of the CA.

Reasons

5. The Arboricultural Report and Landscaping submitted with both applications state that the proposed materials are *Bowland – Windsor "Welsh Slate" slabs measuring 450mm x 450mm*. In respect to Appeal A, the committee report considers the proposed materials would *have a softer and more sympathetic overall appearance than the previous concrete slabs*. The same report concludes that *the proposal would not have a significant impact on the character and appearance of the locally listed building, street scene, Article 4 Direction area and this part of the surrounding conservation area*.
6. I consider that the slate patio areas would not seem out of keeping in association with a public house. Moreover, enclosed by surrounding development and a high brick wall along the front boundary, the patios are not visible from within the street. Consequently I conclude that the proposed materials would not harm the character and appearance of the area or the preservation of the CA. As such it would comply with Saved Policies 69, 74 and 85 of the St Albans District Local Plan Review 1994, insofar as these seek to ensure a high standard of design and landscaping, and the preservation or enhancement of conservation areas.
7. Condition 3 of both planning permissions states that the development shall be carried out in accordance with the submitted plans and the Arboricultural Report and Landscaping. Accordingly I conclude that condition 2 is not reasonable or necessary in the interests of the character and appearance of the area and the preservation or enhancement of the St Albans Conservation Area.

Conclusion

8. Therefore, having considered all other matters, I conclude that both appeals should succeed. I will vary the planning permissions by deleting the disputed condition in each.

A Banks

INSPECTOR