
Appeal Decision

Hearing held on 2 December 2014

Site visit made on 2 December 2014

by Andrew Hammond MSc MA CEng MIET MRTPI

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

Decision date: 29 December 2014

Appeal Ref: APP/B1930/C/14/2219553

Spotted Bull, 43-45 Verulam Road, St Albans AL3 4DG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr J Hanning against an enforcement notice issued by St Albans City & District Council.
 - The Council's reference is P/ENF/532.
 - The notice was issued on 17 April 2014.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a single storey side extension and the erection of an additional rear extension.
 - The requirements of the notice are remove the single storey side extension and remove the additional rear extension to the rear of an existing extension.
 - The period for compliance with the requirements is six months after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) & (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a single storey side extension and the erection of an additional rear extension on land at Spotted Bull, 43-45 Verulam Road, St Albans AL3 4DG referred to in the notice.

Application for costs

2. An application for costs was made by Mr J Hanning against St Albans City & District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are the effect of the development on the character and appearance of the existing building and whether the development preserves or enhances the character or appearance of the St Albans Conservation Area.

Reasons – the Ground (a) Appeal

4. The Spotted Bull (now called “the Brickyard”) is a public house located within the St Albans Conservation Area. It is a locally listed building which has recently been substantially refurbished including by the construction of a permitted flat roof, single storey element to the rear, which replaced previous development on the site. (Planning Permission 5/2013/1651).
5. In reaching this decision regard has also been had to the fact that Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
6. The St Albans Conservation Area is extensive and varied in nature. Within Verulam Road to the south of the appeal site there is a mix of residential and commercial uses and a number of relatively recent buildings. To the north-west the road becomes predominantly residential with traditional period buildings. The appeal site therefore forms a transition between these two lengths of the road.
7. The Council contend that the extensions which are the subject of the enforcement notice are disproportionate to the existing building and that they represent an overdevelopment of the site. It is also contended that the construction of the side extension has resulted in the loss of an important gap between the public house and the adjacent building.
8. There is considerable disagreement between the parties as to what constitutes “the original building” for the purposes of the interpretation of policy. However, within relevant Council policy there is no guidance as to what constitutes disproportionate extensions and this must remain a matter of judgement on a case by case basis.
9. For the purposes of the current appeal it appears logical to consider the remaining part of the traditional building, at some stage a row of two storey brick-built cottages, with a gable ended roof, sash windows and two single storey bay windows to the front, as “the original building”, with the totality of the single storey flat roof elements as extensions thereto as they are of contrasting style and clearly additional structures on a distinct period building.
10. The single storey side extension, which, it is understood, replaced a smaller kitchen extension, spans most of the width of the gap between the end elevation of the two storey building and the boundary with the adjacent property, a relatively modern building, albeit with period detailing. However it is set back behind an open area, within which there is a mature false acacia tree, and with a substantial brick boundary wall along the rear of the footway.
11. Although the side extension, with its roof lantern, is visible behind the wall and tree, particularly from Britton Avenue to the opposite side of the road, there remains a substantial and distinct gap at first floor level through which can be viewed the sky and the rear of the properties on College Street. Whilst the extension is of contrasting architectural style to the two storey period public house, it is clearly subservient and does not detract from the character or appearance of the host building. Although not mimicking other styles or features in the streetscene, the extension, by virtue of its considerable set back

and simple design, forms an unassuming feature in the mixed streetscene of this part of Verulam Road.

12. The additional rear extension is not visible from the highway and replaced a timber bottle store which existed at the time that Planning Permission 5/2013/1651 was granted. The additional extension incorporates replacement floorspace into the permitted extension in a sympathetic manner, more acceptably than the structure it replaced. The modest additional extension is visible from a number of properties in College Street but is seen as integral with the permitted extension and as such is not detrimental to the character and appearance of the building. It is not detrimental to the living conditions of the occupiers of those dwellings, with particular regard to outlook.
13. Although the footprint of the commercial space within the public house has been increased, there is still open space to the front of the side extension and to the rear in the form of patio areas. The remaining open space ensures that the public house sits comfortably within the appeal site.
14. For the above reasons, the side extension and additional rear extension preserve the character and appearance of the Conservation Area and of the host building. The totality of extensions do not constitute an overdevelopment of the site nor are they disproportionate to the host building. Therefore they are not in conflict with policies 69, 72, 85 and 87 of the St Albans District Local Plan Review 1994 or the aims and objectives of the National Planning Policy Framework.

Other matters

15. Local residents raised other concerns regarding noise and disturbance and the loss of open space.
16. The building retains open patio areas to the front and rear, unencumbered by ancillary structures such as the replaced bottle store. Any net loss of open space as a result of the side extension, which replaced a, albeit smaller, kitchen would not be significant.
17. Although the extension would facilitate the use of the licensed premises by a greater number of people, the outdoor areas would have been capable of use by a comparable number of customers with or without the side extension. The doors to the front and rear of the side extension are double glazed and when the patios are not in use and the doors are closed there would be limited noise levels emanating from the building. Therefore any noise emanating from the premises will not increase significantly as a result of the extensions to the building.

Conclusion on the Ground (a) Appeal

18. For the reasons given above, and taking account of all material planning issues raised, the ground (a) appeal is allowed.

The Ground (f) and Ground (g) Appeals

19. Given the conclusion on the ground (a) appeal it is not necessary to consider the appeals on grounds (f) & (g).

Conditions

20. The Council suggested that conditions relating to matching materials, landscaping and completion of the development would be appropriate.
21. The unauthorised development enforced against is complete. Those elements not completed relate to the refurbishment of the main building, such as rear windows, and the previously permitted rear extension. It would not be appropriate to impose any condition requiring their completion.
22. There is existing planting to the rear boundary with the gardens of properties on College Street. There is little, if any, scope for further effective planting and a condition requiring the approval of a landscaping scheme is unnecessary.
23. The extensions are constructed with materials matching the permitted rear extension. A condition requiring this is unnecessary.
24. A condition requiring two of the three rear doors of the side extension to be fastened shut, as suggested by a resident of College Street, is unreasonable as it would have no significant effect on noise levels.

Andrew Hammond

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Meyric Lewis	Of Counsel
Mr R Shrimplin	CW & RC Shrimplin 11 Cardiff Rd Luton LU1 1PP
Mr J Hanning	Appellant
Mrs J Hanning	

FOR THE LOCAL PLANNING AUTHORITY:

Mr Scott Lyness	Of Counsel
Mr T Wilson	St Albans City & District Council
Ms L Levitt	St Albans City & District Council

INTERESTED PERSONS:

Ms S Glenholme	Debenhams Ottaway
Mr I Hopkins	Debenhams Ottaway
Cllr F Wartenberg	St Albans City & District Council
Cllr E Hill	St Albans City & District Council
Cllr M Weaver	St Albans City & District Council
Mrs A Pankhurst	Local Resident
Mr R Pankhurst	Local Resident
Mr G Dyson	Local Resident

DOCUMENTS

- 1 letter of notification of arrangements for the Hearing, provided by the Council.
- 2 Letters of support & list of bookings, provided by the appellant
- 3 Letter of support provided by Cllr Weaver