

Appeal Ref: APP/B1930/W/23/3333685
Land to the rear of High Street, Colney Heath, St Albans

Statement of Common Ground on Heritage Matters

Signed (18th March 2024)



Nick Collins

.....

Andrew Josephs

.....

Nick Collins



PORTICO
HERITAGE

On behalf of Tarmac Ltd
(The Appellant)

On behalf of St Albans
City and District Council

1. Scope of this Statement of Common Ground

1.1 This Statement of Common Ground (SoCG) is agreed between Andrew Josephs (for Tarmac; the Appellant) and Nick Collins (for St Albans City and District Council) following the refusal by the Council of an:

'Outline application (means of access sought) for up to 45 dwellings including new affordable homes, with areas of landscaping and public open space, including points of access, and associated infrastructure works, at land to Rear of 96 to 106 High Street Colney Heath, Hertfordshire'

1.2. As part of the Statement of Common Ground it was agreed that there are three designated heritage assets under consideration:

1. Crooked Billet Public House
2. Apsley Cottage
3. 94, High Street

1.3. At the Inspector's Case Management Conference, Monday 5 February 2024, it was agreed that a topic-specific SoCG on heritage would be produced that focussed on identifying the effects upon the setting of the three designated assets.

1.4 This SOCG therefore seeks to:

- Define the significance of the heritage assets and the contribution of their settings to significance;
- Establish any contribution the Appeal Site makes to their settings;
- Assess the degree of harm to each asset that would result from the proposed development, taking into account any mitigation measures proposed or that could be secured as part of a subsequent reserved matters application; and
- Explain the differences between the parties where they exist.

2. Matters of Agreement and Disagreement

2.1 Following discussions between Andrew Josephs and Nick Collins, it is agreed that less than substantial harm is caused by the proposals to the heritage assets identified in paragraph 1.2. Within the category of less than substantial harm the harm is agreed to be at the lower end of the scale. There is disagreement about whether this harm remains following mitigation. There is also an element of variance in commentary and approach in reaching that position which will be set out in detail in the Proofs of Evidence. **Table 1** examines each designated asset and sets out the areas of common ground and variance.

Asset	Significance including contribution of setting	Contribution the Appeal Site makes to the setting	Harm that would result from the proposed development, taking into account proposed or potential mitigation
<p>Andrew Josephs on behalf of Appellant</p>			
<p>Crooked Billet Public House (PH). List ID 1261870. 25m from Appeal Site boundary.</p> <p>Weatherboarded timber framed core of circa early 19th century date with later 19th century and modern extensions.</p>	<p>The original cottage has been absorbed within later extensions and its legibility as an historic building has been affected. The historic curtilage has been extended onto agricultural land to create parking and a beer garden and this provides the current setting of the PH.</p>	<p>The Appeal Site whilst close to the PH makes no contribution to the setting.</p>	<p>There are no views from the historic part of building to the Appeal Site. With enhanced planting on boundary of the Appeal Site that could be secured at the reserved matters stage, there would be no harm to the significance of the asset.</p>
<p>Nick Collins on behalf of the Council</p>			
	<p>Despite the extent of change that has taken place to the 'original' cottage elements of its historic significance can still be appreciated in views from the High Street and in a kinetic progression through to the rear of the PH and beyond</p>	<p>The Appeal Site forms part of the wider experience of the PH both visibly and perceptibly.</p>	<p>The proposals have the potential to not just alter the historic visual relationship between the listed building and its rural hinterland (which could potentially be mitigated to some degree through additional planting or plot locations) but also introduce the 'sense' of suburbia beyond – caused through lighting, noise etc.</p> <p>The residual harm to the asset caused by development within its wider setting is assessed as less than substantial at the lower end of the scale.</p>

<p>Andrew Josephs on behalf of the Appellant</p>			
<p>Apsley Cottage. List ID 1172854. 10m from Appeal Site boundary.</p> <p>18th century house with 20th century single storey extension.</p>	<p>A well-proportioned house within a defined curtilage that does not include the Appeal Site. The key view of the house that allows its significance to be appreciated is from the High Street Faces onto modern housing. The House is set down below the level of the Appeal Site.</p>	<p>The Appeal Site will have formed the rear, agricultural setting of the house since it was constructed, although there is no evidence that the house had an agricultural function. The Appeal Site did not form part of the House's landholding.</p>	<p>There would be oblique views from single first floor rear elevation window of the proposed housing. With enhanced planting on the boundary of the Appeal Site that could be secured at the reserved matters stage, the harm to the asset caused by development within its wider setting is assessed as at the lowest level of less than substantial harm. There would be no effect upon our ability to appreciate the significance of the asset.</p>
<p>Nick Collins on behalf of the Council</p>			
	<p>Set well back from the High Street and surrounded on all sides by high boundary planting and fences, setting makes a more limited contribution to the significance of the listed building than both the Crooked Billet and 94 High Street from the High Street itself. However, forming part of the group of historic buildings – with the other two listed buildings - means that even the glimpses of the upper floor and roof help to appreciate the nature of the cottage and its</p>	<p>The Appeal Site forms part of the wider experience of the cottage both visibly and perceptibly.</p>	<p>The cottage is far more enclosed than the pub, but is also closer to the Appeal site – meaning that the relationship and setting is far more proximate making the intervisibility and the potential to 'experience' change more likely. The residual harm to the asset caused by development within its wider setting is assessed as less than substantial at the lower end of the scale.</p>

	historic relationship with its neighbours and surroundings.		
Andrew Josephs on behalf of the Appellant			
94, High Street. List ID 1103027. 17m from Appeal Site boundary. Late 17 th or early 18 th century house.	Extended house in 3 directions, including garage inserted into east of house. Probably not of listable quality today. Modern housing opposite and to west. Substantial wall separates house from Appeal Site.	The Appeal Site will have formed the rear, agricultural setting of the house since it was constructed, although there is no evidence that the house had an agricultural function. The Appeal Site did not form part of the House's landholding.	There would be oblique views from first floor rear elevation windows of the proposed housing. The significance of the asset has already been irreparably affected by modern extensions and a garage inserted into the building. With enhanced planting on the boundary of the Appeal Site that could be secured at the reserved matters stage, there would be no harm to the significance of the asset caused by development.
Nick Collins on behalf of the Council			
	The relationship between 94 High Street and the rural hinterland is extremely limited and that connection historically much less important in terms of appreciating the significance of the building	The Appeal Site forms part of the wider experience of the house both visibly and perceptibly but to a lesser degree than the other two heritage assets.	Whilst the listed building is adjacent to the other two and forms part of a group in terms of its setting when viewed from the High Street, in reality its historic relationship with the open fields behind is much compromised and was never as 'direct' as the other two buildings. Whilst the proposals will cause a small residual element of less than substantial harm this is likely to be negligible.

Table 1 Assessment of Designated Assets

3. Conclusion

3.1 We are agreed that, whilst the proposals would cause less than substantial harm at the lower end of the spectrum to the setting of the Crooked Billet Public House and Apsley House, the harm to 94 High Street would be negligible.

3.2 We are also agreed that, with enhanced planting on the boundary of the Appeal Site that could be secured at the reserved matters stage, there would be a reduction to the harm to the significance of The Crooked Billet Public House, Apsley House and 94 High Street from the proposed development.

3.3 Andrew Josephs considers that there would be no harm to the significance of the assets should appropriate mitigation be put in place.

3.4 However it is the opinion of Nick Collins that the harm still remains within the category of less than substantial harm at the lower end of the scale.