
Appeal Decision

Site visit made on 27 September 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 18 October 2016

Appeal Ref: APP/B1930/W/16/3153401

3 Cloister Garth, St Albans AL1 2HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr T Blank (Base Developments Ltd) against the decision of St Albans City & District Council.
 - The application Ref 5/16/1011, dated 29 March 2016, was refused by notice dated 25 May 2016.
 - The development proposed is a 4 bedroom detached dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for a 4 bedroom detached dwelling house at 3 Cloister Garth, St Albans AL1 2HT in accordance with the terms of the application, Ref 5/16/1011, dated 29 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: S0896/01/B, S0896/02, S0896/10/B, P0896/11/B, P0896/12/B, P0896/13/C, P0896/14/A and P0896/20.
 - 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the building 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 samples.
 - 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include (a) means of enclosure, (b) car parking layouts measuring 2.4 metres by 4.8 metres per space, (c) hard surfacing materials, (d) planting plans, (e) written specifications and (f) schedules of plants. The works shall be carried out in accordance with the approved details and should be carried out prior to the occupation of the development or in accordance with a programme agreed in writing with the local planning authority.
 - 5) The development shall not be occupied until the windows on the first floor side elevations serving the stairwell/landing and en-suite bathroom have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed
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shall be capable of being opened. Once installed, the obscured glazing shall be retained thereafter.

- 6) The development shall not be occupied until a hardstanding for the stationing of two vehicles at No 3 Cloister Garth has been constructed in accordance with details outlined in submitted drawings P0896/20 (Proposed Site Plan) and P0896/11/B (Proposed Block Plan). Once constructed, the hardstanding shall be retained thereafter.

Main Issues

2. The main issues are the effect of the proposed development on (a) the street scene of Cloister Garth and (b) the living conditions of occupiers of neighbouring properties, with regard to privacy and light.

Reasons

Effect on the street scene

3. Cloister Garth is a small cul-de-sac consisting of eight semi-detached properties aligned in a semi-circle. As such, the space between Nos 2 and 3 and Nos 6 and 7 is generous and widens towards the rear. There are single storey side extensions to Nos 6 and 7 which partly erode the space between these properties, particularly the larger extension at No 6.
4. The proposed dwelling, while detached, would have a similar width, height and appearance as the existing Cloister Garth properties. It would partly erode the space between Nos 2 and 3, but given the size of the gap, adequate space would remain. Furthermore, the position of the proposed dwelling, set back from the road and at a 45 degree angle to No 3 would help to avoid a cramped appearance between the two properties. With the existing extensions to Nos 6 and 7, the reduced spaciousness within the street scene would not be significantly out of keeping.
5. Concluding on this main issue, the proposed development would have an acceptable effect on the street scene of Cloister Garth. Therefore, it would accord with Policies 69 and 70 of the St Albans District Local Plan Review 1994 ('the Local Plan') which, amongst other things, seek development that takes into account the scale and character of its surroundings and has regard to matters such as layout and siting. It would also meet the aims of the National Planning Policy Framework (NPPF) which seeks good design and development that responds to local character.

Effect on living conditions

6. The rear elevation of the proposed dwelling would face directly towards the rear gardens of 138 and 140 Cottonmill Lane. The rear gardens of Nos 138 and 140 are relatively long, whereas the garden length to the rear of the proposed dwelling would be around 5-6 metres shorter than Policy 70(vii) of the Local Plan normally requires.
7. There would be some overlooking from the first floor and dormer windows into the rear gardens of Nos 138 and 140. Given the length of the gardens at Nos 138 and 140, it would only be the rearmost parts that would be particularly overlooked. Furthermore, the introduction of landscape screening, which could be secured by planning condition, would help to mitigate some of the negative

effects. Any harm to the living conditions of occupiers of Nos 138 and 140 in terms of privacy would thus be limited and not unacceptable.

8. The only first floor windows on the side elevations of the proposed dwelling facing 2 and 3 Cloister Garth would serve the stairwell/landing and an en-suite bathroom respectively. The appellant has indicated that these windows would be obscure glazed, which could be secured by planning condition. I am therefore satisfied that there would be no harm to the living conditions of occupiers of Nos 2 or 3 in terms of privacy.
9. The proposed dwelling would cause some shadowing of the rear garden of No 2, particularly at the start of the day due to the orientation. However, this would be offset by the size and width of No 2's rear garden and the retention of spacing between properties. Any harm to the living conditions of occupiers of No 2 in terms of light would thus be limited and not unacceptable.
10. Concluding on this main issue, the proposed development would not result in unacceptable harm to the living conditions of occupiers of neighbouring properties with regard to privacy and light. Therefore, it would accord with Policy 70 of the Local Plan in terms of relating well to its surroundings. While it does not fully accord with Policy 70(vii) in terms of the garden length, the site circumstances and opportunity for mitigation indicate that the development would be acceptable in terms of privacy. The proposed development would also comply with paragraph 17 of the National Planning Policy Framework which seeks a good standard of amenity for all existing and future occupants.

Other Matters

11. At the time of my site visit in the middle of the working day, Cloister Garth and the adjoining streets had a number of cars parked on the road, which is likely to increase in the evenings and at weekends, mindful too of visitor parking. However, there is also a reasonable amount of off-street parking provision in the area, and the proposed development would provide two off-street spaces each for the new dwelling and the existing property at No 3. The access to this off-street parking would be via an existing dropped kerb, resulting in no loss of on-street parking. Furthermore, the appeal site is not far from the city centre and public transport options, while the highway authority also has no objections. Therefore, I am satisfied that there would be no harm to highway safety or the provision of parking as a result of the development.
12. While the pavement in front of the proposed dwelling and existing dwelling at No 3 would be limited due to the site angle, there would be sufficient space on the driveway for the presentation of waste bins prior to collection. I note that the quality of the roads and pavements in the surrounding area is lacking, but it is unlikely that the proposed dwelling would exacerbate this situation given the limited scale of development. The construction of the dwelling may result in some negative effects in terms of access, parking and other disruption, but this would be temporary and limited.

Conditions

13. Conditions setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plans are necessary for clarity and compliance. A condition concerning the materials to be used is necessary and relevant to ensure that the appearance of the development is

satisfactory. A condition relating to hard and soft landscaping is necessary and relevant to ensure adequate planting and means of enclosure along the side and rear boundaries to mitigate the effects of development on the living conditions of occupiers of neighbouring properties. It would also secure the off-street parking for the development. A separate condition requiring the provision of off-street parking for 3 Cloister Garth is necessary, relevant and reasonable to ensure adequate parking provision. Finally, a condition controlling the glazing and opening of first floor side windows is necessary for reasons of privacy.

Conclusion

14. The proposed development would have an acceptable effect on the street scene of Cloister Garth and would not unacceptably harm the living conditions of occupiers of neighbouring properties. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR