

Appeal Decision

Site visit made on 11 October 2016

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 14 November 2016

Appeal Ref: APP/B1930/W/16/3154742

53 Sadleir Road, St Albans, Hertfordshire AL1 2BL

- 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 N Cooper against the decision of St Albans City & District Council.
 - The application Ref 5/15/3054, dated 23 October 2015, was refused by notice dated 11 March 2016.
 - The development proposed is single storey rear extension to existing dwelling and attached three bedroom dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension to existing dwelling and attached three bedroom dwelling at 53 Sadleir Road, St Albans, Hertfordshire AL1 2BL in accordance with the terms of the application, Ref 5/15/3054, dated 23 October 2015, subject to the conditions in the attached schedule.

Main Issues

2. The main issues raised by this appeal are the effect the proposed new dwelling would have on the character and appearance of the area, with particular reference to its effect on the streetscene, existing planting and nearby trees, and its effect on the living conditions of future occupiers, with particular reference to the adequacy of outdoor space and car parking arrangements.

Reasons

Character and appearance

3. The appeal site occupies a roughly triangular plot at the end of a short terrace of houses in an area characterised by similar short terraces and semi-detached houses, some of which have been extended with new dwellings. The area into which the new dwelling would extend is currently occupied by out buildings and a hedge runs along part of the front of the site. The proposed house would extend the terrace form of the adjoining buildings, albeit that part of the roof ridge would drop down adjacent to the termination of the extended row.
 4. There is little evidence to suggest that the absence of a substantial building on this site necessary makes any particular contribution to the character and appearance of the area. The existing trees lining the embankment on which the Alban Way cycle and foot path runs alongside the site are visible above the outbuildings. However this area lies outside the site and would remain as a
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- buffer between that route and the proposed dwelling to the north and the proposal would not appear cramped or otherwise constrained in this context.
5. Whilst the proposal would have a wider frontage than other houses in the terrace, the drop down in ridge line would result in part of it appearing subservient to the main roof of the terrace. Notwithstanding that the front elevation deviates in some respects from the detailed appearance of other houses, it would broadly follow the established built form, materials and fenestration pattern of adjoining buildings thereby reflecting the streetscene.
 6. Trees in the vicinity of the end elevation of the proposed building make a positive contribution to the character and appearance of the area as part of the wooded embankments which line Alban Way and are situated within the St Albans Conservation Area giving them some protection. However only the front door and a bathroom window would be located in the elevation facing the nearest tree and there is little evidence that the proximity of trees would have a material effect on light levels in the property.
 7. There is also little substantive evidence that other nuisance or structural damage would be likely as a result and whilst pressure on the trees in the future cannot be ruled out, the configuration of the proposed dwelling would make this unlikely. In any event it is not certain that any works to the tree closest to the site would necessarily adversely affect the area's character and appearance as a result of it only being one tree amongst the extensively wooded nature of the cycle and foot path.
 8. The area to the rear of the existing and proposed houses would be reduced slightly as a result of the single storey extension. However, although the space would be divided between the two properties the overall area would not be significantly diminished. It would therefore have a limited effect on the garden settings of properties on the east side of Sadleir Road and consequently on that aspect of the area's character.
 9. The hedge behind a low brick wall which currently partly encloses the front of the property makes a limited contribution to the area's character by way of its softening effect and as part of a wider streetscape character where other similar boundary treatments also exist. However these are not ubiquitous and some properties, including that next door, have an open frontage. The loss of the hedge would have a very limited effect on the area's character considered in this context.
 10. The combined effect of these aspects of the proposal would not materially harm the character or appearance of the area. As such the proposal would comply with the design, layout, landscaping and tree preservation requirements of the City and District of St Albans District Local Plan Review, 1994 (Local Plan) saved policies 69, 70 and 74. For the same reason the proposal would avoid conflict with the National Planning Policy Framework's (the Framework) recognition of character and anticipation of the rejection of poor design at paragraphs 58 and 64.

Living conditions of future occupiers

11. The proposal would result in the existing off street parking area enjoyed by the occupiers of No 53 being replaced by two parallel spaces across the frontage of both the properties it would serve. As the spaces would be set behind the

footway and enclosed at the end their configuration would not fall within the various categories set out in criterion (ix) of saved Local Plan Policy 39. The 6m gap cited by the Council's officer report is required, by that criterion, between rows of spaces rather than in parallel parking arrangements. Nevertheless it is likely that their orientation and relationship to the adjacent turning head and one another would mean that entering and leaving the spaces would not be straight forward in contrast to the perpendicular arrangements of those properties in the vicinity which have off street parking.

12. However, it is not clear from the Council's decision notice, officer report or statement exactly what detriment to the occupiers of the proposed dwelling they consider would arise from the likely vehicle manoeuvres required to get in and out of the parking spaces would be. Whilst they would appear to be inconvenient and not necessarily easy to use there is little evidence to suggest that the living conditions of either existing or future occupiers would necessarily be materially harmed as a result.
13. In the circumstances that one or both spaces are impractical the likely alternative would be for drivers to choose to park cars on adjoining roads. This is an arrangement which occupiers of, and visitors to, those existing houses in surrounding streets without in curtilage parking would no doubt use. Therefore, and notwithstanding an interested party's concerns over such activities, there is little substantive evidence that this would lead to any particular detrimental effects including those which criterion (iii) of saved Local Plan Policy 39 seeks to avoid.
14. The functionality of the relatively small area of outdoor space to the rear of the proposed house would be restricted to a degree by its triangular shape, although it would be over 11m deep. In considering the suitability of outdoor space saved Local Plan Policy 70 requires that the size of a private garden should reflect the number of occupiers of the dwelling, their range of activities and local residential character. This is supported by guidance in Design and Layout of New Housing Advice Leaflet No. 1 which considers that an area of 80m² should preferably be met for a three bedroom house such as the appeal proposal.
15. However, whilst the proposed area would be smaller than 80m² there is little reason to suggest that it would be so constrained as to prevent the future occupiers of the development from being able to relax or perform domestic tasks in it. Furthermore criterion (ix) of saved Local Plan Policy 70 acknowledges that gardens may be smaller where there is public open space nearby and in this case I note that there is large area of open space on the other side of Alban Way from the appeal site.
16. The future occupiers of the dwelling would, on balance, have access to an acceptable amount of outdoor space and parking arrangements would not lead to any materially detrimental effects. Their living conditions would therefore not be harmed as a result of these aspects of the proposal. As such the proposal would accord with saved Local Plan Policies 39 and 70 insofar as they relates to amenity space and parking arrangements. It would also avoid conflict with the Framework's core planning principle, at paragraph 17, of always seeking to secure a good standard of amenity for all existing and future occupants.

Other Matters

17. Although the proposal's effect on the setting of St. Alban's Conservation Area is not a matter of dispute between the main parties I am required to consider its effect on this heritage asset. The Conservation Area covers an extensive area radiating from the core of the city and including the attractive and historic townscapes and open spaces surrounding them, and includes the wooded route of Alban Way. The setting of the Conservation Area in the vicinity of the appeal site largely consists of suburban housing and their rear gardens.
18. Having paid special attention to the desirability of preserving or enhancing this character and appearance, although bringing the built form of the terrace nearer to the Conservation Area, this pattern and relationship would remain largely unchanged with a consequence that the heritage asset's setting, and hence its significance, would be preserved.
19. An objector to the application raised concerns over the proposal's effect on parking in the area and considers it would result in overlooking. However, there is little reason to disagree with the Council's officer report's assessment and conclusions that the proposal would leave sufficient parking provision considering its sustainable, central location, or that overlooking of houses and gardens opposite would not be materially worse than that which already exists.

Conditions

20. The Council have suggested, without prejudice, conditions which I have considered against the requirements of the Planning Practice Guidance making appropriate alterations. It is necessary to specify the approved plans as this gives certainty. In the interests of the character and appearance of the area it is necessary to approve materials for the buildings' construction and that of the forecourt. The later details can also ensure that a satisfactory junction with the highway which does not lead to run-off is created in the interests of highway safety. In order to ensure that construction does not damage trees in the adjoining embankment tree protection measures need to be approved and adhered to. Construction hours need to be limited to avoid undue disturbance to neighbours and measures put in place to ensure any unexpected contamination is appropriately dealt with in the interests of health.
21. Approving the treatment of the forecourt would suffice to ensure the area's character and appearance are preserved and it would not be necessary to approve a detailed landscaping scheme for the more discreet rear garden. It is not necessary to restrict the height of boundary enclosures for sightline purposes given the proposed configuration of parking spaces.

Conclusion

22. For the above reasons, and having had regard to all other matters raised, the proposal would not harm the character and appearance of the area or the living conditions of future occupiers and complies with the development plan and the Framework. The appeal is therefore allowed.

Geoff Underwood

INSPECTOR

Schedule of 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: Site Location Plan (1:1250), wren naj 72 C 2015 and wren naj 72b 2015.
- 3) No site clearance, preparatory work or development shall take place until a scheme for the protection of trees on the adjoining land (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the trees shall be carried out as approved.
- 4) Demolition or construction works shall take place only between 0730 hours and 1800 hours on Mondays to Fridays, between 0800 hours to 1300 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 5) A watching brief to monitor the presence of any contamination shall be kept during the course of site clearance, preparation and development. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 6) No development above foundation level 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.
- 7) Prior to the first occupation of the proposed dwelling details of the treatment of the front of the site including details of the surfacing, materials, means of enclosure, surface water drainage and any vehicle crossovers shall be submitted to and approved in writing by the local planning authority. The treatment of this area shall be carried out in accordance with the approved details before the first occupation of the proposed dwelling.