

Appeal Decision

Site visit made on 15 November 2016

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 2nd December 2016

Appeal Ref: APP/B1930/W/16/3155927

115a New House Park, St Albans, Hertfordshire AL1 1UH

- 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 Mark Peacock against the decision of St Albans City & District Council.
 - The application Ref 5/16/0209, dated 22 January 2016, was refused by notice dated 10 May 2016.
 - The development proposed is a two bedroom single dwelling at end of terrace.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site forms part of an area of open space at the side of No. 115a New House Park (No. 115a), an end of terrace two storey dwelling. The property is located within the Whitecroft Estate, a mature well-established open plan residential area, typically characterised by two storey terraced dwellings. The properties are relatively evenly spaced, of comparable scale and form, with uniform separation distances between them including open space. These features give the area a strong unifying character and appearance, which is further enhanced by the presence of mature landscaping and established trees within the open space areas and along the roadside.
 4. The proposal would involve the construction of a 2 bedroomed, two storey terraced dwelling on an open landscaped area and the removal of the existing garage at the rear of No. 115a to provide car parking to serve the existing and new dwelling.
 5. The proposed dwelling would be situated in a characteristic open space between the properties. Such positioning would compromise the sense of space and openness, eroding the gap between No. 115a and the adjacent highway and interrupt the established rhythm of development in the area. These shortcomings are exacerbated by the dwelling's prominent position, which would be visible from a number of public vantage points along New House Park. As such I consider that the proposed dwelling would result in an
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incongruous and out-of-keeping addition to the street scene that would cause significant harm to the character and appearance of the area.

6. I have considered the appellant's argument that the loss of the open space would not lead to substantial harm to the visual amenity of the area as a reasonable amount of the open space would be retained including replacement landscaping and good separation with the adjacent public footpaths. Whilst these features would reduce the impact of the proposal to some degree, they would not overcome the adverse effects outlined above. I also note the appellant's comments that the appeal site does not serve or function as a public open space with a recreational function and that the Article 4 designation does not seek to preserve every open space within the estate. This, however, does not set a precedent for such an inappropriate development in this location for the reasons set out above. I therefore accord these matters limited weight.
7. I have noted the other developments in the area drawn to my attention by the appellant. The dwellings at Nos. 8 and 13 The Firs are located at the end of a cul-de-sac with different locational characteristics and the two storey side extension granted planning permission on the enclosed garden area at No. 141 New House Park has different development characteristics to the appeal scheme. I therefore accord them limited weight as precedents in this case.
8. Consequently, I conclude that the proposed dwelling would have a harmful effect on the character and appearance of the area. It would conflict with policies 69 and 70 of the St Albans District Local Plan Review 1994 (LP). These policies, amongst other things, seek to ensure that development is of an adequately high standard of design that take into account the scale, character and layout of its surroundings. It would also conflict with policies 73, 74 and 75 of the LP that seek to retain existing open space and landscaping and prevent development that would prejudice Article 4 areas and the character of any remaining urban green space.
9. In addition, it would not accord with the National Planning Policy Framework (the Framework) that development should seek to secure a high quality of design (paragraph 17); to respect the local character (paragraph 58); and to promote or reinforce local distinctiveness (paragraph 60).

Other Matters

10. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites. Paragraph 49 of the Framework states that relevant policies for the supply of housing cannot be considered up to date if the local planning authority cannot demonstrate such a supply. Paragraph 14 of the Framework sets out the presumption in favour of sustainable development. For decision making this means that where the development plan is absent, silent or relevant policies are out of date, planning permission will be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Sustainable development is identified as having social, economic and environmental roles in the Framework.
11. It is accepted that the proposal would be well connected to existing services and facilities and that it would provide some social and economic benefits through contributing to the supply of housing and local services. However, while I note the appellant's view that the scheme's design and landscaping would amount to environmental benefits, I have found above that taken

overall the development would harm the area's character and appearance. This harm would conflict with the environmental dimension of sustainable development and, in my view, would be sufficient to significantly and demonstrably outweigh the scheme's benefits. The proposal would not therefore amount to sustainable development in the terms of the Framework.

12. I have noted the objections from local residents and the Whitecroft Residents Association to the proposal. However, in light of my finding of harm to the character and appearance of the area, there is no necessity for me to consider these matters further.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR