

Appeal Decision

Site visit made on 6 December 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: 22 December 2016

Appeal Ref: APP/B1930/W/16/3157180

Land rear of 1 Watling View and 37 and 39 Vesta Avenue, St Albans, Hertfordshire AL1 2PE

- 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 D Patel against the decision of St Albans City & District Council.
 - The application Ref 5/15/2072, dated 14 July 2015, was refused by notice dated 15 April 2016.
 - The development proposed was originally described as "erection of a pair of two, semi-detached bungalows".
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The address shown above is different to the address shown on the original application form because it includes reference to land at the rear of 1 Watling View as well as to the rear of 37 and 39 Vesta Avenue. It is clear from the plans that land to the rear of 1 Watling View is within the proposed development, and so I have included for clarity and accuracy. The decision notice and appeal form also include reference to 1 Watling View.
3. The description of development on the original application form was ambiguous in terms of the number of dwellings proposed. From the plans and other paperwork, it is clear that the proposal is for two semi-detached bungalows.
4. There is also a discrepancy between the block plan and the site plan in terms of the red line for the appeal site. The former shows the entire garden to the rear of 1 Watling View included, while the latter shows some of the garden excluded. However, the proposed development, including access and landscaping, would be sited within the red line on both plans, so the discrepancy is not significant to my assessment of this appeal.

Main Issues

5. The main issues are the effect of the proposed development on:
 - (a) the character and appearance of the area; and
 - (b) the living conditions of future occupants of the bungalows with regards to privacy and outlook.
-

Reasons

Character and appearance

6. Vesta Avenue and Tavistock Avenue are suburban streets that curve in a rough semi-circle from west to north to east. Properties front onto the roads, including the shopping parade on the east side of Vesta Avenue which has residential properties above the ground floor. As a result of the curvature, there is a large area of land to the rear of these two streets. This land consists of residential gardens as well as servicing space for the shopping parade, but also Vesta Lodge residential care home and a short cul-de-sac known as Leaf Way. While Vesta Lodge is a large development, it fronts onto Watling View. Similarly, the properties on Leaf Way face onto the access road for the cul-de-sac.
7. The appeal site is located on land to the rear of the southern end of the shopping parade and currently comprises gardens and servicing space. The gardens are enclosed by vegetation and boundary fencing, while the servicing space is rather poorly maintained, particularly the surfacing of the access road, with a scattering of rudimentary garages and issues with fly tipping.
8. The proposed development seeks to address the concerns with a previous proposal for the erection of four flats, which was dismissed at appeal in 2013 (APP/B1930/A/13/2201227). The pair of bungalows would have a modest height, width and depth compared to the previous proposal and the scale of the shopping parade and Vesta Lodge. They would not appear cramped or overdeveloped. However, the development would be isolated to the rear of the parade and would not front onto any road. The access road for the servicing space does not function as a conventional road and would continue to be used by properties on the shopping parade for storage and maintenance.
9. The roofs of the properties would be visible to the south over the fence from the entrance and car park for Vesta Lodge. However, given the modest scale of development and the presence of a car park to the south rather than a road, it would not bridge the gap between the shopping parade and Vesta Lodge and would instead appear oddly located.
10. The siting and layout of Vesta Lodge and Leaf Way do not justify the proposal as they occupy comprehensively developed land that fronts onto a road. In contrast, the siting, layout and orientation of the proposed dwellings would be at odds with the pattern of buildings in the surrounding area as an isolated back land development. I acknowledge that the land to the rear of the shopping parade requires enhancement and that there are benefits in developing under-used land, but these considerations do not justify the adverse impact of the proposal on the character and appearance of the area.
11. Concluding on this main issue, the proposed development would result in significant harm to the character and appearance of the area. Therefore, it would not accord with Policies 69 and 70 of the St Albans District Local Plan Review 1994 ('the Local Plan') which, amongst other things, require development to have regard to the character of its surroundings. Despite the age of the Local Plan, these policies are broadly consistent with the National Planning Policy Framework (NPPF) and so continue to carry weight. The NPPF seeks development that responds to local character and reflects local surroundings, which the proposed development would not meet.

Living conditions

12. The existing gardens at the rear of 1 Watling View and 37/39 Vesta Avenue benefit from a reasonable amount of screening provided by existing vegetation and fencing. However, it is possible to see upper floor windows on the rear of Nos 1, 37 and 39 to the west as well as upper floor windows at Vesta Lodge to the east, particularly from the garden at No 1 which is wider and deeper.
13. As a consequence, future occupants of the proposed development are likely to be visible from the private garden spaces to the south of the dwellings, and there would be more overlooking than is generally the case for existing properties in this urban location. The level of overlooking would depend to some extent on vegetation cover, but landscaping and planting is unlikely to completely block views. Thus, there would still be harm to the living conditions of future occupants in terms of privacy.
14. The internal layout of the proposed dwellings would allow future occupants of the main living/kitchen space to look towards private garden space. For the eastern dwelling, the garden would be of a reasonable size and would provide a reasonable outlook for occupants. However, the garden of western dwelling is considerably smaller, with limited outlook particularly to the west and a short gap to a 2 metre screen fence. The gap between this dwelling and its side/rear boundaries is much less than Policy 70(vii) seeks. Even if I were to accept that the doors on the western elevation provide secondary windows and could be obscure glazed, they would still open and look onto the garden and the nearby fencing.
15. The gap between the bedroom windows on the north elevation of both dwellings and the footpath to Vesta Avenue would be short. Beyond the footpath is the rear garden/yard of 35 Vesta Avenue and the servicing space for the parade. While the plans show planting in the gap to reduce inter-visibility, the outlook for occupants from the bedroom windows would be limited in range and quality. As a consequence of limited outlook for both dwellings, there would be harm to the living conditions of future occupants.
16. Concluding on this main issue, the proposed development would have a harmful effect on the living conditions of future occupants with regard to privacy and outlook. Therefore, it would not accord with Policies 69 and 70 of the Local Plan, which require an adequately high standard of design with a tolerable level of privacy and space between dwellings and boundaries. The development would also not meet the aims of the NPPF which seeks a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

17. The appellant states that the construction of new bungalows is less common than it once was and the development would provide ideal housing for elderly people of independent means. While the development would add to the housing numbers and mix within the locality, bearing in mind the Council have acknowledged a lack of a five year housing land supply, these benefits are modest and would be significantly and demonstrably outweighed by the adverse impacts I have identified. The cited Local Plan policies are not out of date and continue to carry due weight. Thus, the proposal does not represent sustainable development. The relative lack of local objections, as indicated by the appellant, does not lead me to a different conclusion on this appeal.

Conclusion

18. The proposed development would have a harmful effect on the character and appearance of the area and the living conditions of future occupants of the development with regard to privacy and outlook. For this reason, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR