

Appeal Decision

Site visit made on 28 March 2017

by J Dowling BA(Hons) MPhil MRTPI

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

Decision date: 25 April 2017

Appeal Ref: APP/B1930/W/16/3162687

23 Mount Pleasant, St Albans AL3 4QU

- 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 & Mrs A McCartney against the decision of St Albans City & District Council.
 - The application Ref 5/16/1648, dated 24 May 2106, was refused by notice dated 14 September 2106.
 - The development proposed is demolition of 3-bedroom dwelling house and construction of a new 4-bedroom dwelling house.
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Decision

1. This appeal is dismissed.

Main Issue

2. The main issues are:
 - the effect of the proposal on the character and appearance of the general streetscene and the St Albans Conservation Area; and
 - the effect on the living conditions of the occupiers of neighbouring properties with particular reference to loss of privacy.

Reasons

Character and appearance

3. The St Albans Conservation Area covers the majority of the historic centre of St Albans and as a result contains a variety of different areas including the Abbey and its precincts, the city centre and a number of residential areas. Mount Pleasant is to the west of the city centre and although predominantly residential, the character of the area is mixed which reflects the historical evolution of the area. As a result there are a variety of housing types which vary in terms of age, dwelling size, character and materials. These features contribute positively to the character and appearance of the Conservation Area as a whole and its significance as a designated heritage asset.
 4. I agree with both the parties that the existing building is of limited architectural merit and therefore in principle, subject to a suitable replacement, its loss would not adversely affect the character and appearance of the St Albans Conservation Area.
 5. The proposed house would have a traditional front façade which through the use of traditional materials and design features such as sash windows, render
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and a half timbered gable end would reflect and respect its surroundings . Furthermore, I note from my site visit that the adjoining properties have off street parking with limited areas of soft landscaping. As a consequence I consider that the introduction of an off street parking space to the front of the new dwelling would not be out of character and subject to a suitably worded condition the effect could be further mitigated through appropriate landscaping treatments.

6. Whilst I agree that parts of the Conservation Area have a denser urban grain, the properties in this section of Mount Pleasant are characterised by being set off the mutual boundaries. This provides gaps between the buildings which allow glimpsed views between the units which in turn informs the character and appearance of this part of the Conservation Area. The proposal would have a larger footprint than the current property and would be built up to the boundary with no 21. This would result in a building that would dominate the plot and the loss of these gaps to the detriment of the character and appearance of the general streetscene and the wider area
7. Although the design of the proposed roof would be similar to the existing roof, it would be higher and, due to the proposed footprint, wider. The current roof whilst out of character acts as a transition between the narrower front gable ended roof form at No 21 and the subordinate extended roof of No 25. As a result I consider that introduction of a roof with greater bulk, mass and height would appear out of character and would adversely affect the character and appearance of the general streetscene and the wider Conservation Area. Whilst I agree with the Council that the use of concrete tiles would be inappropriate, given the prevalence of clay tiles locally, I consider that this could be addressed through the use of a suitably worded condition.
8. I recognise that the impact of the design of the rear elevation would be more limited as views would be restricted to the rear gardens of adjoining properties. Nevertheless given its strong contemporary design; the inclusion of features such as roof terraces and balconies; the use of a variety of different roof forms and the proposed palette of materials it would result in a design that would be out of character and scale with the adjoining properties and with the wider St Albans Conservation Area.
9. For these reasons I consider that the appeal proposal would cause a degree of harm to a designated heritage asset, albeit that such harm would be less than substantial. Where this occurs the National Planning Policy Framework (the Framework) requires the public benefit of the proposal to be weighed against the harm. The appellant advocates that the proposal would increase available residential accommodation and increase economic activity. However, the proposal would replace an existing house with a new unit and would not therefore increase housing supply. Furthermore, whilst the proposal would deliver a number of construction jobs and local investment this would be limited to the short term. As a consequence I consider that the limited public benefit that would arise from the proposal would not be sufficient to outweigh the harm to the character and appearance of the St Albans Conservation Area.
10. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. This is

reinforced in section 12 of the Framework and policy 85 of the City and District of St Albans District Local Plan Review (1994)(the Local Plan).

11. Whilst the Framework advocates that planning should not impose architectural styles, stifle innovation, originality and initiative because of concerns about incompatibility with existing townscape, it also requires that development should secure high quality design, respond to local character, reflect the identity of local surroundings and materials and add to the overall quality of an area. In Conservation Areas development should make a positive contribution to local character and distinctiveness. This is reflected in policies 69, 70 and 85 of the Local Plan which require that new development should have regard to its setting, form and character of the surroundings and should pay particular regard to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
12. I therefore conclude that due to its design, size and siting the proposal would adversely affect the character and appearance of this part of Mount Pleasant and would thus fail to preserve or enhance the character or appearance of the wider Conservation Area contrary to the requirements of the Framework and policies 69, 70 and 85 of the Local Plan.

Living conditions

13. I agree with the appellant that in urban areas a degree of mutual overlooking between properties is not uncommon. However, I consider that the degree of overlooking that would occur from a bedroom window differs substantially from that which would occur from a balcony or roof terrace which is designed specifically to provide occupants with the opportunity to sit outside.
14. The proposal would incorporate a roof terrace at first floor and a balcony within the roofspace. The appellant has suggested concerns regarding overlooking from the roof terrace could be addressed through the use of privacy panel and whilst I accept that this would limit overlooking of parts of the garden of No 25 I consider that there would still be areas that were overlooked and that the occupants of this property would have a strong perception of being overlooked to the detriment of their living conditions. Furthermore, whilst the proposed dormers would provide limited screening for the balcony within the roof, direct views into the adjoining gardens would still be possible.
15. As a result I consider that the proposal would adversely affect the living conditions of the occupants of adjoining properties contrary to policy 70(vi) of the Local Plan which advocates that balconies will not be permitted if privacy of existing adjoining dwellings and private gardens would be prejudiced. This is reflected in the Framework which seeks, amongst other things to secure a good standard of amenity.
16. The appellant has suggested that if I had concerns regarding the balconies then they could be controlled or removed from the scheme through the use of a suitably worded condition. However, the proposed balconies, particularly the one within the roofspace, are designed in such a way that they are integral to the scheme and their removal would require a reworking of the design of the rear elevation that would result in a materially different scheme and as a result I do not consider that this matter could be dealt with by condition.

Other matters

17. The appellant has made several references to a presumption in favour of development and the scheme being sustainable. However, there are three dimensions to sustainable development and whilst the appeal scheme may comply with the economic and social dimensions the proposal would not fulfil the environmental role which seeks to protect or enhance the historic environment.

Conclusion

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

Jo Dowling

INSPECTOR