
Appeal Decision

Site visit made on 4 April 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 4th May 2017

Appeal Ref: APP/B1930/W/16/3164991

11 East Mount, Wheathampstead, Hertfordshire AL4 8BJ

- 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 Nick Russell against the decision of St Albans City & District Council.
 - The application Ref 5/16/1670, dated 25 May 2016, was refused by notice dated 10 August 2016.
 - The development proposed is the demolition of existing single storey side extension and construction of detached three bedroom dwelling and double garage.
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Decision

1. The appeal is dismissed.

National Planning Policy Background

2. The Council have confirmed that they do not have a five year housing land supply. It follows that, in accordance with paragraph 49 of the National Planning Policy Framework (the Framework), the housing supply policies in the City and District of St Albans District Local Plan Review (1994) (LP) are out of date.
3. Consequently the fourth bullet point of paragraph 14 of the Framework comes into play. This makes it clear that where development plan policies are out of date planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of 11 East Mount with particular regard to visual intrusion.

Reasons

Character and appearance

5. East Mount consists of a narrow road with a mixture of detached, semi-detached and terraced properties. Most properties are two-storey in nature. With the exception of the terraced properties, the two storey elements of the properties exhibit a degree of spaciousness between them, despite the narrow aspect of the road. To the east of the site is a terrace of flats on East Lane which consists of two storey development.
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6. The proposed development would involve the demolition of the existing attached garage and utility room to 11 East Mount. The proposed dwelling would be constructed in the resultant gap between No 11 and its side boundary. Given the limited width of the plot, it would be narrow when compared to the frontages of the other detached (and semi-detached) properties in the area.
7. Whilst there are properties of a similar width in East Mount, these are the terraced properties which exhibit a materially different character and appearance than a detached dwelling. Significantly, the terraced blocks appear as larger buildings in the streetscene, whilst the narrow detached dwelling would not have such an appearance.
8. Given the narrow width of the plot, and the property itself, it would appear tightly packed in between the flats at East Lane and the remaining part of No 11. The cramped nature of this would also be highlighted by the lack of a door on the dwellings front elevation. This would be out of character with the other dwellings in East Mount and would give rise to significant harm to the character and appearance of the area.
9. In coming to that view I acknowledge that its visibility in the streetscene would be somewhat restricted given its location at the end of the cul-de-sac. However, it would still be visible from within East Mount and from the end of East Lane.
10. The Council have indicated that they expect a 2 metre gap between residential properties. However, from the evidence before me, this is an aspiration rather than a policy requirement and as such I give this limited weight.
11. I have also had regard to the other developments drawn to my attention by the Appellant. However, none of these are directly comparable to the development before me. Moreover, each case must be decided upon its own merits.
12. For the above reasons, the proposed dwelling would result in significant harm to the character and appearance of the area contrary to Policies 5, 69(i) and 70(i) of the LP and the Framework which seek, amongst other matters, to ensure that development protects the character and appearance of the area.

Living conditions

13. The rear wall of the proposed dwelling would be around 4.8 metres further back into the garden than the rear wall of No 11. However, the first floor element of the building is set back and is around 2.8 metres further back.
14. The Council have used a 45 degree guide line to assess the impact of the development on No 11. Whilst it is clear that the single storey aspect of the proposed development would not accord with the 45 degree guide, this method of assessing amenity impact is usually used in respect of the impact on daylight and sunlight. In this case, given the orientation to sunrise through to sunset, there would not be any significant loss of daylight or sunlight into the kitchen of No 11, especially given that the kitchen has a large window and a set of French doors further away from the development which would provide ample daylight and sunlight into the property.
15. Given the extent of the proposals rearward projection from No 11, and that the two storey element is set back from the rear, the proposed dwelling would not

be overly dominant to the occupiers of No 11. Whilst I acknowledge it would have some impact, the extent would not be such as to warrant the withholding of planning permission.

16. I have also considered the effect of the development on other surrounding properties, including 10 St Thomas Place and 28 East Lane.
17. Concerns have been raised over additional noise and loss of light to the occupants of 10 St Thomas Place. However, I consider that any additional noise as a result of the dwelling would not be significant, nor would there be an unacceptable loss of daylight given the distance between the proposed dwelling and No 10.
18. In respect of 28 East Lane, the proposed development would broadly accord with the 45 degree guide in respect of light to the living room and kitchen. As such I consider that no significant harm would result.
19. For the above reasons, I conclude that the development would not harm the living conditions of the occupiers of 11 East Mount and therefore the proposal would accord with the provisions of Policy 70 of the LP and the aims of the Framework which amongst other things seek to protect the amenity of occupiers of surrounding properties.

Planning balance

20. It is noted that there is no dispute that the development would be in a sustainable location or that the principle of residential development is acceptable. Consequently, the Council have not cited any planning policies in their reason for refusal which could be considered to influence the supply of housing by restricting the locations where they may be developed. Notwithstanding that, it falls that the development should be assessed against the presumption in favour of sustainable development.
21. I have found that the proposed development would harm the character and appearance of the area and would conflict with the Framework and the LP. This factor weighs heavily against allowing the proposed development.
22. The development has been put forward as a self build scheme. However, in the absence of a completed section 106 agreement to ensure that the development only comes forward as such, I give this very little weight.
23. The development would give rise to some minor social benefits in that it would provide much need additional housing. The development would also bring some minor economic benefits through the construction process. These matters are in favour of the proposed development.
24. From the evidence before me, it is unclear what the exact shortfall in the Council's five year housing land supply is. However, the provision of one dwelling would be unlikely to have any significant effect in reducing the deficit.
25. Against this background, the harm identified significantly and demonstrably outweighs the minor benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

26. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR