
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: 05 May 2017

Appeal Ref: APP/B1930/W/16/3162760

15 Crossfields, St Albans, Hertfordshire AL3 4NF

- 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 Thind against the decision of St Albans City & District Council.
 - The application Ref 5/16/1658, dated 15 May 2016, was refused by notice dated 18 August 2016.
 - The development proposed is a new build 4 bedroom house to replace existing 3 bedroom house.
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Decision

1. The appeal is dismissed.

Procedural matter

2. From the evidence before me, the Council determined the application on the basis of the originally submitted drawings. Whilst some amended drawings were submitted to the Council prior to the determination of the application these were not formally accepted and no additional publicity was carried out.
 3. As part of the Appellants appeal statement, revised drawings have been submitted which would increase the size of the basement parking area by around 0.8 metres to allow vehicles to turn around within the basement. The plans which were submitted to the Council pre-decision have also been submitted which show a lowered ridge height of the proposed dwelling. There is also a further revised drawing which shows a relocated access along the northern side of the site together with a new access point onto the highway.
 4. The 'Procedural Guide – Planning Appeals – England' advises that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application (Annexe M.1.1). If an appeal is made, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought (Annexe M.2.1).
 5. Notwithstanding that, in deciding whether to accept the revised plans, I have given consideration to the 'Wheatcroft Principles' (Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]) and whether any prejudice would occur.
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6. The revised access point is materially different to the scheme which was consulted on by the Council prior to the determination of the application as it includes an additional access point and alters the layout of the front of the site. The lowering of the roof height would also change the angle of the roof pitch as the eaves height would remain the same. In respect of the basement, the increase in size would not be readily noticeable, but nevertheless represents a further change.
7. Given the extent of changes proposed, I am not convinced that no prejudice would occur to any third party and therefore I give the amended plans very little weight. Consequently, I have determined the appeal on the basis of the plans considered by the Council.

Main Issues

8. The main issues are the effect of the development on the character and appearance of the area and on highway safety.

Reasons

Character and appearance

9. The appeal site is located on the east side of Crossfields close to its junction with Netherway. Crossfields rises in a northerly direction and the appeal site also rises away from the highway with the existing dwelling set at a higher land level than the street. The appeal plot is generous in its overall area and includes a long rear garden space. It is common ground between the main parties that the principle of the redevelopment of the property is acceptable and I have no reason to disagree.
10. Whilst there is a degree of confusion over the height of the proposed dwelling from floor level to ridge height, drawing 124/CFL/131 shows the proposed ridge height to be 108.87, whilst the existing ridge height is shown as 108.49. It is therefore clear that the proposed property would be 0.38 metres taller than the existing dwelling.
11. The proposed dwelling would also be significantly larger than the existing dwelling in its width and depth into the site. The Appellant has described the proposed dwelling as being in a contemporary style with an asymmetric roof which takes cue from the roof at 3 Netherway.
12. However, the roof pitches at No 3 are the same, with the asymmetrical roof being formed as a result of a lowered eaves level on the appeal site side. In addition to this, No 3 also a steeply pitched element over a small side projection.
13. The existing dwelling at 15 Crossfields is of a traditional style with the main part of the roof being of a hipped design. Whilst there is also projecting gables at both the front and rear of the property the overall scale and massing of the dwelling does not appear dominant in the streetscene.
14. In contrast, the appeal development has differing pitches of roof either side of the ridge line with the main roof pitch (on the south side) having a relatively shallow pitch which would also be uncharacteristic of the immediate area. The width and bulk would be significantly greater than the existing property and No 3 when viewed from the street. The net result would be a building which would

be significantly different in style, proportion and scale to the existing development in the area and would be overly prominent, especially given its elevated setting from the street.

15. The proposed dwelling would also be larger than the existing dwelling from the front to back of the property. However, whilst this represents an increase in the bulk and massing of the development (when compared to the existing situation), I consider that this would not have a detrimental impact on the overall character and appearance of the area nor on the living conditions of the occupiers of neighbouring dwellings.
16. Whilst the proposed dwelling would be sited close to the boundary with No 3, the dwelling at this point would consist of a single storey flat roofed element. Given the single storey flat roofed extension at the front and side of No 3, this would not appear as an unacceptable element in the streetscene. However, these matters would not outweigh the harm I have already identified.
17. In respect of other developments in the area, limited information has been provided to me. However, from my site visit I saw a number of differing property styles in the area, including the recent development at 2 Netherway. Whilst I recognise that there is some variety of built form nearby, it does not justify the development before me. Moreover, each case must be decided upon its own merits.
18. For the above reasons, I conclude that the dwelling would lead to unacceptable harm to the character and appearance of the area. The development would fail to accord with Policies 69 and 70 of the City and District of St Albans District Local Plan Review (1994) (LP) and the National Planning Policy Framework which amongst other matters seek to protect the character and appearance of the area.

Highway safety

19. The proposed development, as considered by the Council, would utilise the existing access point with a re-aligned driveway within the site and into a garage with a car lift to a basement parking area. The angle of the proposed driveway to the access point, together with its gradient, would make a reversing manoeuvre difficult. The submitted basement parking area also has limited space for vehicles to turn, so that vehicles could enter and exit in a forward gear. The Council consider the net result of this would be conflict with other highway users and interference with the safe and free flow of traffic.
20. It is noted that no evidence has been presented which counters the Council's concern over the access and basement turning area based upon the originally considered drawings. Given the tight nature of the access driveway and the limited turning facilities within the basement, I have no reason to disagree with the Council's view.
21. For the above reasons, the proposal would result in conflict with other highway users and interference with the safe and free flow of traffic which would be detrimental to highway safety. The development would fail to accord with Policies 34 and 39 of the LP which amongst other matters seeks to ensure that proposals do not harm road safety and provide for adequate parking and turning facilities where required.

Conclusion

22. Taking all matters into consideration, for the reasons given above I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR