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# Appeal Decision

Site visit made on 4 April 2017

**by David Troy BSc (Hons) MA MRTPI**

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

**Decision date: 05 May 2017**

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**Appeal Ref: APP/B1930/W/16/3165542**

**Land rear of 15 Old Watford Road, Bricket Wood AL2 3RS**

- 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 I O'Conner against the decision of St Albans City & District Council.
  - The application Ref 5/16/2508, dated 10 August 2016, was refused by notice dated 5 October 2016.
  - The development proposed is conversion of existing garage and workshop to a one-bedroom dwelling.
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## Decision

1. The appeal is dismissed

## Application for costs

2. An application for costs was made by Mr I O'Conner against St Albans City & District Council. This application is the subject of a separate Decision.

## Procedural Matter

3. Refusal Reason 2 on the Council's Decision notice relates to the impact of the development on living conditions of the neighbouring properties on Reynards Way. As part of the Council's appeal statement, the Local Planning Authority has confirmed that the Refusal Reason 2 as worded is not sustainable and they wish to withdraw this reason for refusal in respect of this proposal. As this matter is no longer being disputed, I have determined the appeal on this basis accordingly.

## Main Issue

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

## Reasons

5. The appeal site comprises of a detached garage and workshop on a parcel of land at the rear of No. 15 Old Watford Road (No. 15), a detached two storey dwelling with vehicular access at the side of the property. It is located in a mature well-established residential area, typically characterised by detached and semi-detached properties set back from the road in relatively spacious plots. To the north, south, east and west of the appeal site are the garden areas and the outbuildings associated with the adjacent residential properties.
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6. The proposal would involve the conversion of the existing detached double garage and workshop to a one-bedroom dwelling with associated parking, garden area and access off a long narrow driveway at the side of No. 15. The proposal would retain the existing mature boundary trees and vegetation to enhance the building's setting. The development characteristics differ from the previous dismissed appeal schemes on the site in 2011<sup>1</sup> and 2015<sup>2</sup> that related to the construction of a new dwelling.
7. However, the siting itself, with the dwelling situated behind the existing dwellings at the front would create a backland form of development. Whilst I note the appellant's reference to the previous Inspector's comments in 2015 that acknowledged this would not necessarily preclude its development, the Inspector also acknowledged that the small housing development on Ryall Close to the south of the appeal site appeared to be the only potential example of backland development in the immediate area. I see no reason to take a different view in respect of this appeal and I do not consider the Ryall Close development sets a precedent for the development of this site.
8. I therefore consider that, whilst it would not increase the built form of development, the proposal would introduce an uncharacteristic layout into the area. Although, in general terms, rear gardens may contain various structures incidental to the use of the dwelling house, the intensity of use of a separate dwelling is likely to be materially different in its planning character. In particular, it is likely to lead to a level of comings and goings from vehicles and pedestrians of a general intensity of use that would be higher than might be expected of an incidental building, as in this particular case.
9. Paragraph 60 of the National Planning Policy Framework (the Framework) states that it is proper to promote or reinforce local distinctiveness. In this case, the siting of the proposal and the additional associated activities with the development would not amount to a subservient form of development in this backland location and would fail to promote or reinforce the distinctive characteristics of this established residential area. The consequential harm would not in my view be sufficiently resolved by the limited effect of the single storey form of the proposal on the street scene. In any case, the site is viewed from the rear of a large number of the surrounding properties.
10. I have considered the appellant's arguments that the site layout and the design of the building have been carefully considered in order to minimise any impacts on occupiers of the adjacent dwellings. Whilst these features together with the boundary treatment would reduce the impact of the proposal on the adjacent properties and would assist in integrating the proposal with other properties in the area, these aspects do not overcome the adverse effects outlined above. I note the appellant's comments about the context provided in the Framework for good design and respecting the character of the area, but I find that the proposal does not achieve the standards the Framework seeks. I therefore accord these matters limited weight.
11. Consequently, I conclude that the proposal would have a harmful effect on the character and appearance of the area. The development would conflict with Policies 5, 69 and 70 of the St Albans District Local Plan Review 1994. These policies, amongst other things, seek to ensure that all development will be of a

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<sup>1</sup> APP/B1930/A/10/2140715

<sup>2</sup> APP/B1930/W/15/3035731

high standard of design to reflect local distinctiveness and that the proposal respects the scale, character and layout of the surrounding area. The proposal would not accord with the aims of 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**

12. 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.
13. It is accepted that the proposal would be well connected to existing services and facilities that would provide some social and economic benefits through contributing to the supply of housing, local services and making the efficient use of land in an established residential area. However, while I note the appellant's view that the scheme's design would amount to environmental benefits and provide an opportunity to enhance the appearance by tidying up the site, 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. There are also other means of tidying up the site without the need to provide a dwelling on the site. The proposal would not therefore amount to sustainable development in the terms of the Framework.
14. I have noted the comments from St. Stephens Parish Council and the objections from local residents and the Bricket Wood 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**

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

*David Troy*

INSPECTOR