
Appeal Decision

Site visit made on 25 April 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 16 May 2017

Appeal Ref: APP/B1930/W/17/3167525

Land to the side and rear of 9 Southgate Court, Luton Road, Harpenden, Hertfordshire AL5 2UG

- 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 P Stell of Stellprop Limited against the decision of St Albans City & District Council.
 - The application Ref 5/16/3255, dated 28 October 2016, was refused by notice dated 5 January 2017.
 - The development proposed is construction of a detached dwelling with associated access and landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area including the Harpenden Conservation Area.

Reasons

3. The appeal site comprises of an open parcel of land that previously formed part of the side and rear garden of No. 9 Southgate Court, a detached two storey locally listed dwelling with Tudor style detailing at first floor level, located in a well-established residential area and the Harpenden Conservation Area (CA).
 4. This part of Luton Road is characterised by large two and three storey properties of varying styles and ages set back from the road behind mature landscaping and trees which adds to the verdant character of the area. A pair of semi-detached locally listed Victorian dwellings is situated adjacent to the site at Nos. 49 and 51 Luton Road. These properties, along with those on Luton Road, are predominantly built in red brick with pitched tiled roofs. These features give the area a strong unifying character and appearance.
 5. The proposal would involve the construction of a detached three storey dwelling, including a lower ground floor/basement. The proposed dwelling with Tudor style detailing on the front elevation would predominantly be built in red brick with a pitched tiled crowned roof. The proposed dwelling would be sited on a substantially lower ground level than the two adjoining locally listed dwellings, both of which have ascending drives from the public highway. The excavations on the appeal site, which I observed on my site visit have already taken place, would provide a level access to the public highway.
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6. Although it would have a comparable ridge height to the adjacent properties, the three storey form of the dwelling, combined with the lower site levels, would result in a building with a vertical emphasis that would be substantially out of character with the adjacent properties. These shortcomings would be exacerbated by the crowned roof design and the proposal's prominent position, which would be visible from a number of public vantage points along Luton Road. As such, I consider the development would result in an incongruous and out-of-keeping addition that would fail to promote or reinforce the distinctive characteristic of the area and would adversely harm the character and appearance of the area.
7. I have considered the appellant's argument that the scale and design of the proposed development would be in keeping with the other buildings in the area and would be largely screened by the mature landscaping and new boundary treatment along the front of the site. Whilst the use of matching materials, Tudor style detailing, fenestrations and the boundary treatment would assist in integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above. I note the appellant's submissions regarding the two storey side and rear extension granted on the appeal site in 2014¹. In my view, the proposed two storey side extension attached to the north side of the existing property would be materially different to the proposal now before me and would have a more limited impact on the area.
8. I have noted the other developments in the area drawn to my attention by the appellant. The semi-detached dwellings with front roof dormers at Nos. 49 and 51 Luton Road and the three storey houses and apartments in the area relate to different forms and scales of development. This includes those with crowned roofs and Tudor detailing such as those in Hitherfield Lane. The crowned roof design on the two dwellings allowed on appeal at 247 Luton Road² has different development characteristics to the appeal scheme and the crown roofs on the properties in Moreton Avenue is on a different street with different locational characteristics. On the basis of the limited evidence provided I am not convinced that their circumstances are compellingly similar to the appeal proposal. I therefore accord them limited weight as precedents in this case.
9. Given the location of the appeal site within the CA, special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the area. Similarly, a balanced approach is required to assess the effect on the locally listed buildings as a non-designated heritage asset, in accordance with the National Planning Policy Framework (the Framework). I consider that the appeal scheme, by virtue of its height, scale and roof design would have negative material impact and would fail to preserve or enhance the CA and would harm the setting of the adjacent locally listed buildings.
10. Given the modest scale of the development, the harm would be less than substantial but in accordance with paragraphs 134 of the Framework, that harm should be weighed against any public benefits to the proposal. I note the appellant's desire is to provide a private single market dwelling to meet the local housing need. However, I find insufficient public benefit arising from this proposal to offset the identified harm to which I attach significant weight.

¹ 5/2014/1353

² APP/B1930/W/15/3141232

11. Consequently, I conclude that the development would adversely harm the character and appearance of the area and the CA. It would conflict with Policies 69, 70 and 85 of the St Albans District Local Plan Review 1994, which I consider relevant in this case. These policies, amongst other things, seeks to ensure that all development will be of a high standard of design that have regard to its setting, the scale and character of the surrounding area and preserve or enhance the character and appearance of the Conservation Areas.
12. In addition, it would not accord with the aims of the Framework that development should seek to secure a high quality of design and conserve heritage assets in an appropriate manner (paragraph 17); to respect the local character (paragraph 58); and take into account the desirability of new development making a positive contribution to local character and distinctiveness in conserving and enhancing the historic environment (paragraph 131).

Other Matters

13. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites. In these circumstances, Paragraph 49 of the Framework states that housing applications should be considered in the context of Paragraph 14 of the Framework that 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 when assessed against the policies in the Framework as a whole.
14. The appellant states that the proposal would be well connected to existing services and facilities and provide some social and economic benefits through contributing to the supply of housing in the area, providing construction jobs, and on-going contributions towards the local economy. However, while I note the appellant's view that the scheme's design would amount to environmental benefits, I have found above that taken overall the development would harm the area's character and appearance and would fail to preserve or enhance the CA and the adjacent locally listed buildings. 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 when assessed against the policies in the Framework as a whole. The proposal would not therefore amount to sustainable development in the terms of the Framework.
15. I have noted the comments from Harpenden Town Council and the objection from a local resident to the proposal. However, in light of my findings on the main issue of the appeal, my decision does not turn on these matters.

Conclusion

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

David Troy

INSPECTOR