

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: 26 May 2017

Appeal Ref: APP/B1930/W/16/3166116

**Whytecote, North Orbital Road, Chiswell Green, St Albans, Hertfordshire
AL2 2AA**

- 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 V Ashby against the decision of St Albans City & District Council.
 - The application Ref 5/16/2776, dated 11 September 2016, was refused by notice dated 30 November 2016.
 - The development proposed is the demolition of existing dwelling and erection of 3 detached dwellings, one from existing access off Driftwood Avenue, 2 accessed from new access onto Willow Way.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - (i) the character and appearance of the area ; and
 - (ii) the living conditions of the future occupiers of the proposed chalet bungalow and the occupiers of nearby residential properties with particular regard to privacy and outlook.

Reasons

Character and appearance

3. The appeal site is currently accessed via a driveway from Driftwood Avenue and has a detached dwelling located on it which has a long rear garden. The garden also backs onto several properties on Driftwood Avenue and Forefield. The existing built development on Forefield, and Willow Way, consists of a mix of detached and semi-detached bungalows. Driftwood Avenue, has a mix of two storey dwellings and bungalows.
 4. The proposed development includes the demolition of the existing dwelling, and the erection of a new two storey dwelling in a similar location (plot 1). It is common ground between the main parties that this element of the proposal does not raise any adverse planning issues and I have no reason to disagree.
 5. Plot 2 would be located at the head of new driveway from the northern end of Willow Way and as such would be highly visible in the streetscene. The proposed dwelling would be significantly greater in height, scale and massing
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than the existing properties on Willow Way as a result of the first floor accommodation and the resultant height and massing of the roof and dormer windows. Consequently, it would have a detrimental impact on the overall character of Willow Way.

6. In respect of the general siting of plot 2, it would be located at the head of Willow Way and would have a direct street frontage. Given the access road directly to the front of plot 2 I consider that this would not be an uncharacteristic form of development in principle. In addition to the above, I consider that the general siting of a new dwelling close to the northern boundary would not give rise to any overall harm to the character and appearance of the area. However, this does not overcome the harm I have already identified in relation to its scale and massing.
7. Turning to plot 3, this would be located towards the western end of the site and would be accessed along a private drive from Willow Way. The neighbouring properties which border onto the site at this point are all bungalows.
8. In contrast, the dwelling proposed at plot 3 would consist of a two storey property with a detached garage. This would be of a much greater scale than the surrounding development and given its tandem nature would be significantly out of character with the surrounding single storey development.
9. Whilst the size of the plot would be sufficient to accommodate such a dwelling, and therefore would not be a cramped form of development, this does not overcome the harm as a result of the overall scale of development.
10. For the above reasons, as a result of plots 2 and 3, would result in harm to the character and appearance of the area contrary to Policy 70 of the City and District of St Albans District Local Plan Review (1994) (LP) and the Framework which seek, amongst other matters, to ensure that development protects the character and appearance of the area.

Living conditions

11. In respect of the living conditions of the future occupants of plot 2 the Council have raised concern over the level of overlooking from plot 3 and the over-dominant nature of plot 3.
12. Plot 3 would be sited at a slight angle away from the rear of plot 2, but there would still be some potential for overlooking to occur. The first floor has three windows which would face in the general direction of plot 2, one of which serves a bedroom.
13. From this window views would be readily available across the garden area of plot 2 giving very little privacy to the future occupants given the distance between this window and the garden itself. Furthermore, views would also be possible into the ground floor of plot 2 through the large glazed area on the west elevation of plot 2. To my mind, plot 2 would not provide a suitable living environment for its future occupier as a result of lack of privacy and the consequential lack of a private amenity area.
14. I have also had regard to the proximity of plot 3 to plot 2 and whether it would be overbearing to the future occupants of plot 2. In this respect, given the scale of plot 3, it would have some adverse impact on the living conditions of

the future occupiers of plot 2. Whilst such an impact is not a determinative factor on its own, it adds to the harm I have already identified.

15. Turning to the effect of plots 2 and 3 on the occupiers of the surrounding residential properties, it is noted that Policy 70 of the LP indicates that a distance of 27 metres should be achieved between habitable room windows.
16. From the evidence before me, the distance between plot 2 and the garden of 21 Forefield is in the region of 7.5 metres with the habitable rooms of No 21 being in the region of 22.9 metres. Whilst the LP requirement of 27 metres between habitable room windows is somewhat generous, given the distance to the rear garden area of no 21 the development would give rise to a loss of privacy to the occupiers of no 21 from the dormer windows in plot 2.
17. Plot 2 would also have two windows facing the Driftwood Road properties at first floor level which serve a landing corridor and a corridor element of one of the bedrooms. Given the location of these windows, and the rooms which they serve, any overlooking potential could be mitigated by a suitably worded planning condition regarding obscure glazing.
18. In respect of plot 3, this would be sited close to the boundaries with both the Forefield and Driftwood Avenue properties. Given the scale of plot 3, and its proximity to the boundaries it would have an unacceptable overbearing impact on the amenity of the occupiers of 17 Forefield and to a lesser extent 19 Forefield. It would also have some impact on the occupiers of the Driftwood Road properties, although given the length of the rear gardens such an impact would be somewhat limited.
19. In coming to that view, I acknowledge that the impact on the development would be partially mitigated by the presence of existing mature landscaping and trees.
20. In relation to the potential of overlooking from plot 3 towards the Driftwood Avenue and Forefield properties, given the angle of plot 3 to the respective dwellings only a limited amount of overlooking would be possible to the ends of the surrounding properties gardens. Given this limited overlooking potential, I consider that this is not a matter which would warrant the withholding of planning permission.
21. For the above reasons the development, as a result of plots 2 and 3, would have an unacceptable effect on the living conditions of the occupiers of 17, 19 and 21 Forefield. Furthermore, the future occupants of plot 2 would not be provided with suitable living conditions. Consequently, the development would be contrary to Policy 70 of the LP and the Framework which seeks to, amongst other matters, protect the amenity of the occupiers of adjoining residential properties and to ensure that a suitable standard of amenity is provided for the future occupiers of the development.

Other matters

22. I have also had regard to other matters raised through the representations including increased car movements, noise and disturbance, and the retirement nature of the area. However, none of these matters adds to the reasons why planning permission should not be granted.

Conclusion

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

Chris Forrett

INSPECTOR