

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: 5 June 2017

Appeal Ref: APP/B1930/W/16/3162505

33E Clarence Road, St Albans, Hertfordshire AL1 4NP

- 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 Craig Bourne against the decision of St Albans City & District Council.
 - The application Ref 5/16/2117, dated 26 July 2016, was refused by notice dated 16 September 2016.
 - The development proposed is for the demolition of existing 2 x one bed semi-detached bungalows and redevelopment of the site to provide a five bed detached house, with car parking and new access from Clarence Road.
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Decision

1. The appeal is dismissed.

Application for costs

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

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area and on housing supply.

Reasons

Character and appearance

4. The appeal site is located within the St Albans Conservation Area (SACA) which covers a large area of the City. Clarence Road is located in the Clarence Park Area of the SACA to the east of the railway line. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The surrounding development has a distinctly traditional feel to it with a large number of Edwardian style properties.
 5. The site itself currently contains a pair of small semi-detached bungalows with a simple up and over roof with gable ends to each side. The existing building is set much further back from Clarence Road than the surrounding development and as such does not positively contribute to the streetscene.
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6. The proposed dwelling would be substantially larger in footprint and scale than the existing bungalows with accommodation over four floors, including the basement. It would also be sited closer to the front of the site. However, it would still be set back further than the other development either side.
7. The design of the dwelling takes cue from the Edwardian proportions and style whilst introducing modern elements such as large areas of glazing, particularly to the front and rear elevations. To my mind, the proposal represents a bespoke design which does not create a pastiche of the existing development in the area and adds a modern twist to an otherwise Edwardian style. In principle, this design ethos does not give rise to any harm to the character of the SACA.
8. However, given the overall design and shape of the proposed dwelling, the two dormers appear overly bulky which combined with their size, flat roof design and small windows would present an unsympathetic projection from the main roof of the dwelling. Whilst the northern dormer would be largely hidden from public vantage points, the southern dormer would be visible from the street and would give rise to harm to the character and appearance of the SACA.
9. In coming to that view, I acknowledge that there are other flat roof dormer windows in the vicinity of the site. However, from the evidence before me and what I observed on site, none of these are located on a similar roof form to the appeal dwelling and relate well to their host dwelling.
10. The proposed dwelling also includes an unusual canopy/balcony arrangement to the front of bedroom 5. Whilst the provision of either a balcony or a canopy would not look out of place on the property or the wider area, the combination of the two, with its awkward join between the roof and the balcony railings appears disjointed.
11. Turning to the proposed materials, the Council's concern relates to the slate roofing. Whilst the area is generally characterised by red clay tiles, there are examples of slate roofs in the vicinity, including 130 Clarence Road which is almost opposite the site. Whilst the use of a red clay tile would be more in keeping with the prevailing character of the surrounding area, the use of slate is not a determinative factor in this case.
12. In respect of landscaping, the Council consider that there is a lack of opportunity for soft landscaping to provide for an appropriate setting for the development, particularly given its size and the parking area to the front. Whilst the parking area and garden shed take up a proportion of the frontage, the submitted layout plan indicates planting areas immediately adjacent to the front boundary and between the parking area and the dwelling itself. These areas would allow for a sufficient area to provide for an appropriate level of soft landscaping, and should I be minded to allow the appeal could be secured by means of a suitably worded planning condition. I therefore consider that the proposal would accord with Policy 74 of the City and District of St Albans District Local Plan Review (1994) (LP).
13. Paragraph 134 of the National Planning Policy Framework (the Framework) states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

14. In this case, the redevelopment of the site would provide some public benefit in that it would replace an existing building which does not positively contribute to the SACA. However, that benefit is tempered by the dormer windows and the balcony/canopy to the property frontage. Whilst the harm to the significance of the heritage asset would be less than substantial, the public benefits are not sufficient to outweigh this harm.
15. For the above reasons the proposed dwelling would fail to preserve or enhance the character of the SACA. Therefore the development would conflict with Policies 69 and 85 of the LP which amongst other things seek to preserve the character of the Conservation Area. The development would also be at odds with the conservation aims of the Framework.

Housing supply

16. Policy 10 of the LP seeks to avoid the net loss of dwellings through demolition, or through changes of uses away from residential. In this case, the development would result in the net loss of a dwelling through the redevelopment of the site for one much larger dwelling. It is clear that this policy is a relevant policy for the determination of this proposal as it results in the loss of a dwelling.
17. The Appellant has advanced a case for two of the exceptions to Policy 10. These are related to whether the existing properties have satisfactory and viable living conditions (vi) or whether there are overriding planning advantages which justify the loss of the dwelling (vii).
18. In respect of the living conditions, reference has been made to the Technical Housing Standards – nationally described space standards which sets out the minimum internal space standards for new dwellings. However, this standard does not apply to existing dwellings.
19. From my site visit I saw that the dwellings were indeed small, and in need of some refurbishment. However, from the evidence before me I am not convinced that they are not suitable for occupation. Consequently, I consider that they present satisfactory and viable living conditions.
20. The Assessment of Housing Needs and Strategic Housing Market Assessment for St Albans indicates a housing need for 4+ bedroom properties being around 7% of the total need, with one bedroom properties indicated as 14% of the total need.
21. The Appellant has provided an adjusted projected net market housing need which shows a 1 bed requirement at 4%, a 4+ bed requirement at 39% with an estimate of a 5 bed requirement at 10% of the total need. However, the Appellant acknowledges that this is not a rigorous analysis and I therefore give this limited weight.
22. Reference has also been made to previous planning permissions¹ on the site which were for the erection of two semi-detached dwellings. As I understand it these permissions has lapsed without implementation. Furthermore, as they related to a development which would not have resulted in a loss of a residential unit, Policy 10 of the LP would not have been a relevant policy in the consideration of those applications.

¹ 5/2007/2861 & 5/2011/0015

23. Turning to the possible fallback position in respect of the net loss of a residential unit, the Appellant has stated that they would amalgamate the existing bungalows to form one dwelling and would let the building out for a considerable period of time to enable the costs of the refurbishment work to be recouped.
24. Whilst I give this possibility some weight, in terms of a fallback position on this issue, I consider that it does not represent such an overriding factor as to render the purpose of Policy 10 defunct.
25. In consideration of all of the above factors, for the above reasons the proposal would result in an unacceptable loss of a residential unit contrary to Policy 10 of the LP which amongst other matters seeks to resist the loss of residential dwellings through demolition.

Planning balance

26. 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 Framework, the housing supply policies in the LP are out of date.
27. 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 specific policies in the Framework indicate that development should be restricted.
28. Such policies include those relating to preventing harm to a designated heritage asset such as the SACA. Consequently, given the harm I have found to the SACA, the proposal cannot be considered to be sustainable development.
29. In addition to the above the development has been put forward as a self-build scheme. However, in the absence of a mechanism (such as a completed section 106 agreement) to ensure that the development only comes forward as such, I give this very little weight.

Conclusion

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

Chris Forrett

INSPECTOR