

Appeal Decision

Site visit made on 16 May 2017

by Rachael A Bust BSc (Hons) MA MSc LLM MEnvSci MInstLM MCMI MRTPI

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

Decision date: 9 June 2017

Appeal Ref: APP/B1930/W/17/3167574

The Elms, 24 Hall Place Gardens, St Albans, Hertfordshire AL1 3SF

- 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 The Elms Consulting Rooms against the decision of St Albans City & District Council.
 - The application Ref 5/16/0154, dated 18 January 2016, was refused by notice dated 28 July 2016.
 - The development proposed is the conversion of ground floor consulting rooms into 3no one bed flats. Partial demolition of existing rear single storey extension and construction of 5no one bed flats.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the St Albans Conservation Area;
 - the effect of the proposal on the living conditions of the existing occupiers of the first floor flats in 24 Hall Place Gardens, with particular reference to outlook; and
 - whether the proposal would provide acceptable living conditions for future occupiers, with particular reference to outlook.

Reasons

Character and appearance

3. No 24 Hall Place Gardens is a large Edwardian property originally built as a dwelling. The first floor is used as 2 flats with a further flat in the roof space. The ground floor is being used as consulting rooms. The rear garden contains a limited amount of grass amenity space but the area is predominantly laid to hard standing which provides the dedicated car parking for the consulting rooms.
 4. No 24 is identified on the Council's Local List of buildings of heritage significance and the appeal site lies within the St Alban's Conservation Area
-

- (SACA). No 24 largely retains its original features, and a modest single storey rear extension was constructed in the 1980s.
5. Hall Place Gardens is predominantly residential, although the northern side of the road between Townsend Avenue and St Peter's Street, including the appeal site, contains non-residential uses. Surrounding the appeal site to the north and east are the substantial buildings of the St Alban's High School for Girls. Parkbury House Surgery lies to the west and a large area of hard standing used for car parking abuts the whole western boundary of the appeal site.
 6. The appeal site is located within the sub-area of the SACA referred to as 'Area 7e.' The Council's Conservation Area Character Statement (CACS) identifies that this sub-area was laid out with substantial Edwardian villas on large plots, mostly designed by local architect, Percival Blow. The CACS identifies that the scale of the houses, the spacious layout and the architecture are the key characteristics of the planned 'Garden City' style of the sub-area.
 7. The development would not involve any external alterations to the original fabric of No 24. There would be minor internal alterations to allow the conversion of the ground floor into 3 flats. The existing single storey rear extension would be demolished and replaced with a new single storey link to a new three-storey building containing 5 flats. There would be 11 on-site car parking spaces and I accept that it is in a sustainable location within easy reach of services and facilities.
 8. However, there can be no doubt that the new building would represent a substantial addition to the amount of built development on the site. It would not be a moderate extension in keeping with the scale of the existing building. Its size and massing would result in the loss of the planned interrelationship between the original property and the spacious plot within which it sits. That planned open layout with a single dominant property per plot is an important character of sub-area 7e of the SACA. These characteristics of the appeal site and the SACA would be permanently lost as a consequence of the proposed development and significant harm to the character and appearance of the locality would occur.
 9. I acknowledge that the construction of the large building for the St Albans High School for Girls adjacent to the site has introduced a different form of development into the surrounding area. I am not aware of the full circumstances that led to that development being judged acceptable in relation to the character and appearance of the SACA by the Council. However, I find that the introduction of the built development on the adjacent school site serves to enhance the importance of retaining the character of the remaining Edwardian villas set within their large plots on Hall Place Gardens and St Peter's Street.
 10. For these reasons the development would not preserve or enhance the character or appearance of the SACA. Consequently it would be contrary to the saved Policies 69 and 70 of the St Albans District Local Plan Review (SADLPR), which amongst other things requires the design of new development to have regard to the character of its surroundings. There would also be conflict with the saved Policies 85 and 87 of the SADLPR, which seek to ensure that development preserves and enhances the character and appearance of Conservation Areas and of locally listed buildings.

Living Conditions

11. The first floor and roof space of No 24 contains 3 existing flats. The rear elevation of No 24 contains 3 first floor windows, a dormer window and roof light which would directly face the side elevation of the proposed new building. It is my understanding from the site visit that these first floor windows belong to Flat 24A. The dormer window and roof light belong to Flat 24C. From third party representations it is understood that 2 of these first floor windows are to bedrooms, for one of which, this is the only window.
12. Given the height of the proposed new building, its gable wall and roof would be only approximately 7.5 metres from these existing first floor windows there would be a poor outlook which would be oppressive and overbearing for the existing occupier of Flat 24A. Consequently I conclude that this would adversely affect the living conditions of the existing occupier of Flat 24A. No harm to the living conditions of the existing occupiers other two flats would arise, given that No 24B is at the front of the building and would not look out onto the proposed building. Flat 24C is within the roof space, the windows would be above the proposed new building.
13. The proposed new building would include kitchen windows to the 2 ground floor flats being positioned only 1 metre from the north-western boundary of the site. This boundary would be comprised of a 1.65 metre high close boarded timber fence. The proposed internal layout illustrates that the kitchen leads into a living area and a glazed patio door onto a balcony. Consequently, as the occupiers would be likely to spend more time in the living area than the kitchen portion of the same room, then I find that the outlook for the future occupiers would be acceptable.
14. The main elevation of the proposed new building faces towards existing boundary trees and the neighbouring buildings of the St Albans High School for Girls. Due to the distance from the existing trees and school buildings I find that the future occupiers of the flats in the new building would have an acceptable outlook. Consequently, I find that the living conditions for the future occupiers would be acceptable and meet the requirements of local and national planning policies.
15. I conclude that the appeal proposal would unacceptably affect the living conditions of the existing occupiers of Flat 24A, with particular reference to outlook. Consequently it would be contrary to the saved Policy 70 of the SADLPR, which amongst other things requires the design of new development to ensure that living conditions are not adversely affected.

Other Matters

16. The appellant refers to the policies of the SADLPR being dated. I have considered whether the policies referred to are in conformity with the National Planning Policy Framework (the Framework). I find having regard to the advice in paragraph 215 of the Framework the approach of the SADLPR towards heritage, design and living conditions to be consistent with the Framework. As such these policies can be accorded significant weight.
17. The appellant suggests that the Council may not have a demonstrable 5 year housing land supply. The Council has not provided any evidence on this matter and on the information before me I am unable to corroborate the appellant's

view. Nonetheless, even if there was not a five year housing supply and the 8 one bed flats were added to this supply, the contribution that they would make towards addressing any undersupply of housing, would only have minimal benefit from a social and economic point of view. Furthermore, this would not overcome the significant harm to the character and appearance of the SACA that I have already identified.

18. The development would result in a reduction of amenity space which appears to be utilised by the occupiers of the existing 3 flats in No 24. The proposal would incorporate about 34 square metres of residents' garden. In the appeal submission an alternative parking layout was submitted which would add a further 23.5 square metres of amenity space and potentially improve the conditions of the protected trees. Be that as it may the Council has concerns about this alternative parking layout and it has not been subject to public consultation. Although given the harm that I have identified, it is not necessary to reach a conclusion on this matter.

Conclusions

19. I have had regard to the statutory duties set out in s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the reasons above the development would fail to preserve the character and appearance of the SACA. This harm would be less than substantial when considered against paragraphs 132 and 134 of the Framework. However, there are no public benefits that would outweigh the harm to the SACA in this case. The appeal proposal would adversely affect the living conditions of the existing occupiers of Flat 24A.
20. Taking all matters into consideration, I conclude that the development would conflict with relevant local and national planning policies and the development plan as a whole. Consequently, the appeal should be dismissed.

Rachael A Bust

INSPECTOR