
Appeal Decision

Site visit made on 14 November 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: 07 December 2017

Appeal Ref: APP/B1930/W/17/3180557

63 Marford Road, Wheathampstead, St Albans AL4 8AX

- 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 L Lambert against the decision of St Albans City & District Council.
 - The application Ref 5/17/1123, dated 18 April 2017, was refused by notice dated 20 June 2017.
 - The development proposed is demolition of existing garage and erection of a detached, one-bedroom dwellinghouse (revised scheme).
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. There have been 5 previous applications for a dwelling on this appeal site; all were refused by the Council. Appeals were lodged against 3 of the refusals and all were dismissed, with the most recent one being dated 21 August 2017.
3. Notwithstanding the planning history of this site, all applications and appeals should be determined on their own individual merits. Whilst I have been provided with a copy of the 3 appeal decisions and also thumbnail size extracts of plans from each of the previous 3 appeal schemes all of which I have had regard to; I have in any event, reached my own conclusions on this appeal.

Main Issue

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

Reasons

5. The appeal site principally comprises the single garage and associated driveway of 63 Marford Road. In total the site is 'J' shaped. The foot of the 'J' would be created from part of the current rear garden of No 63. To the north lies No 70 Necton Road, to the south, in addition to No 63, the site also abuts the rear garden of No 61 Marford Road.
6. The appeal proposal would involve the construction of a one-bedroom detached 2-storey house that would face onto Necton Road. The proposed dwelling would be sited within the front half of the existing driveway. The existing garage would be demolished. Two car parking spaces would be created in the foot of the 'J', one to provide replacement parking for No 63 and the other to

- serve the proposed dwelling. To facilitate the creation of the parking spaces it would require the removal of part of the existing substantial evergreen hedge.
7. The proposed dwelling would be seen in the context of Necton Road which is characterised by 2-storey dwellings in a variety of styles and ages. Semi-detached is the predominant dwelling type.
 8. The appeal site is narrow as a consequence of its present use as a driveway serving a single garage. Although Necton Road contains properties on a variety of plot sizes and dwellings of various widths, by comparison I find that the appeal site is unduly constrained in its width.
 9. Arising from its narrow width, the proposed development would be sited in close proximity to the side boundaries of the site. Accordingly the proposed dwelling would not sit comfortably within the site. Whilst I acknowledge that the appellant has continued to make changes to the design, the proposed house would still lack space about its side boundaries which would lead to it appearing cramped within the plot and in relation to nearby properties in Necton Road. The appeal site plot width is out of character with the general form of development in the surrounding area.
 10. I recognise that the design has been amended throughout a series of applications and appeals to seek to address previous concerns. However, the appeal proposal still represents a cramped form of development which arises principally from the unduly narrow width of the plot. Whilst alterations have been made to the single storey elements on the front and side elevations of the proposed dwelling these have not successfully overcome the concerns relating to the cramped nature of the site.
 11. The proposed dwelling lacks a traditional frontage through having a side entrance. The siting and design accentuates its narrow width and the increased depth further emphasises this narrowness. Although Necton Road contains a mixture of property designs, style and sizes, I observed that the majority had their entrance positioned on their front elevation.
 12. I recognise that in a number of cases gaps that would have existed between properties on Necton Road have been infilled over time. However not every gap in a street frontage offers the potential for, or is indeed suitable to accommodate a new dwelling.
 13. Visually the proposed dwelling would not replicate the general pattern of development, its narrow frontage and overall depth gives the appearance of a dwelling which has been designed to sit at 90 degrees to the road. The prevailing character of Necton Road is of dwellings with their main façade directly facing the road. The proposed roof design fails to replicate the general relationship of ridge lines running parallel to Necton Road. Although I observed a couple of nearby properties whose gable end faces Necton Road, their design clearly portrayed their front elevation as being their main façade, with balanced fenestration and sitting comfortably within their plots.
 14. Section 7 of the National Planning Policy Framework (the Framework) identifies that the government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. Paragraph 64 of the Framework states "permission should be refused for development of poor design that fails to take the opportunities available for

improving the character and quality of an area and the way it functions.” I recognise that planning decisions should not attempt to impose architectural styles; however it is appropriate to seek to promote or reinforce local distinctiveness which would not be achieved here. I find that the appeal proposal is of poor design that fails to respond positively to the surrounding area.

15. The appellant has referred me to a number of other properties along Necton Road. Whilst I have been provided with limited information I did view these on my site visit. However, I do not know their full planning histories or the reasons that led to them being deemed acceptable by the Council. I do not consider that any of the properties identified to be directly comparable with the appeal proposal. In any event, I must determine this appeal on its own merits.
16. I have also been referred to an appeal decision at 1A Ashley Road, St Albans.¹ The sub-division of this larger and triangular shaped plot with a wide frontage would still allow dwellings to be sited and appear comfortable within their plots. Therefore I do not consider that it is directly comparable to the proposal in front of me.
17. The appellant suggests that the policies contained within the St Albans District Local Plan Review 1994 (LPR) are out of date. Having regard to the advice in paragraph 215 of the Framework which advises that due weight should be given to relevant policies in existing development plans according to their degree of consistency with the Framework. The closer the policies are to those of the Framework, the greater weight that may be given to them. In respect of this appeal the policies requiring development to be of a high standard of design that reflects the character of its surroundings is consistent with section 7 of the Framework. Accordingly I attach significant weight to Policies 69 and 70 of the LPR and to the design elements of Policy 5 of the LPR.
18. I find that the appeal proposal would result in unacceptable harm to the character and appearance of the site and surrounding area. Accordingly this would be contrary to saved policies 5, 69(i) and 70(i) of the LPR. These policies require, amongst other things, development to be respectful of the character of its surroundings. The proposal would also be contrary to section 7 of the Framework, which seeks to secure a high quality of design.

Other matters

19. The Framework confirms in annex 2 that land in built-up areas such as residential gardens is not defined as previously developed land. However, the Framework does not, in itself, resist development of residential gardens. Instead, it states at Paragraph 53 that local planning authorities should consider setting out policies to resist inappropriate development. I have not been provided with any such local policy. However, the determining factor in this appeal is the impact on the character and appearance of the surrounding area.
20. I recognise that the site is within a built up area and as such is an accessible location with local services and facilities.
21. It is not disputed that the Council does not have a 5 year housing land supply. The presumption in favour of sustainable development set out in Paragraph 14

¹ APP/B1930/W/16/3146741, dated 12 July 2016.

of the Framework is only engaged where the proposal accords with the policies of the development plan or, in the absence of a development plan, the policies of the Framework when taken as a whole. As I have concluded that the appeal proposal conflicts with the policies of the LPR and section 7 of the Framework, Paragraph 14 is not engaged in this case. Even if it were, the provision of a single dwelling would only make a very modest contribution to housing supply. The harm arising would significantly and demonstrably outweigh the limited benefit that would arise from the provision of a single dwelling.

22. I have had regard to the appellant's suggestion that a one-bedroomed property would be much needed and that there is a shortage of such properties in Wheathampstead. However, I have no cogent evidence to substantiate this claim and in any event, this would not outweigh the significant harm I have identified.
23. I note that a number of concerns have been raised by interested parties including a lack of parking, highway and pedestrian safety and impact on the living conditions of neighbouring properties. The Council does not share these concerns and in the absence of any substantive evidence to the contrary I see no reason to disagree. In particular, the separation distance between the northern elevation of the appeal property and the southern elevation of No 70 Necton Road would be sufficient to prevent an unacceptable impact on the living conditions of the occupiers of No 70 in respect of sunlight, daylight and overshadowing.

Conclusion

24. For the reasons given above, taking all matters into consideration, I conclude that the appeal should be dismissed.

Rachael A Bust

INSPECTOR