
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: 08 December 2017

Appeal Ref: APP/B1930/W/17/3179167

1 Mount Pleasant, St Albans AL3 4QH

- 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 Sean Harries of Beechwood Homes Ltd against the decision of St Albans City & District Council.
 - The application Ref 5/16/3494, dated 22 November 2016, was refused by notice dated 13 June 2017.
 - The development proposed is the demolition of the existing bungalow. Construction of one detached house and five town houses with parking, landscaping and all ancillary works.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Beechwood Homes Ltd against St Albans City and District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the site; and surrounding area; and heritage assets including whether the proposal would preserve or enhance the character or appearance of the St Albans Conservation Area; and
 - Whether the proposal would provide satisfactory parking and access arrangements.

Reasons

Character and appearance

4. The appeal site is located within the St Albans Conservation Area (CA) Character Area 5c 'Mount Pleasant'. The Council's Conservation Area Character Statement (CACS) identifies that the character of the area is mixed. Late Edwardian developments are interspersed with a number of mid to late twentieth century developments. Mount Pleasant has a character which is explained by its origins as a rural lane, running eastwards from Branch Road in the west, until it becomes Lower Dagnall Street. It is positioned in parallel between the two main thoroughfares of Verulam Road to the north and

Fishpool Street to the south. There are a significant number of locally listed buildings within the sub-area, in planning terms these are considered to be non-designated heritage assets. These locally listed buildings are identified in the CACS.

5. The eastern section of Mount Pleasant between Abbey View Road and New England Street containing the appeal site has a general sense of space. The character of this section is drawn from the relatively low density residential development and the large area of open land, known as the New England Road Playing Fields or 'The Brickie' which extends from the northern side of Mount Pleasant to the rear of the properties on Verulam Road.
6. An important feature of this section of Mount Pleasant is the topography. To the east of the junction with Abbey View Road, Mount Pleasant descends swiftly to the lowest point which broadly corresponds with the entrances to No 9 Mount Pleasant and the Old Garden Court (OGC). It then begins to rise again and continues to rise towards the city centre. This undulation of topography allows for some important views, interspersed by mature trees, towards the city centre and the cathedral.
7. The significance of the CA is derived not only from the historic settlement pattern; its many heritage assets; and the topography that provides views, but also from the sense of openness generated by the open and undeveloped spaces that form an effective corridor through the area.
8. The appeal site is located on the southern side of Mount Pleasant. It is bounded to the east by Welclose Street which contains a number of Grade II listed buildings. To the north-west lies No 9 Mount Pleasant, a large detached dwelling set back from the road. To the west lies OGC, a relatively low density development of townhouses arranged in a cul-de-sac around a large communal garden area. The Council has identified No 9 and the dwellings within OGC as locally listed buildings. Further to the south of the appeal site are the large undeveloped rear gardens of the dwellings fronting onto Fishpool Street, also containing a number of both listed and locally listed buildings.
9. The appeal property is described in the CACS as "a plain 1950s bungalow, set in a large plot.....and is set back from the road and not visible in the street scene. The extensive gardens contain a number of important trees." Consequently, the property itself does not make a positive contribution to this sub-area of the CA. However, the undeveloped nature of the large garden, although largely screened from public view, does contribute to the sense of openness which is a feature of this part of the CA.
10. The appeal proposal¹ includes the demolition of the existing bungalow and replacement with one detached 2-storey dwelling (plot 1). Five townhouses would be sited to the rear of plot 1. Plots 2, 3 and 4 would be a terraced group and plots 5 and 6 would be a pair of semi-detached dwellings.
11. Plot 1 would be a detached two storey dwelling set back and fronting onto Mount Pleasant. It would be sited in a broadly similar position from the road to that of No 9 to the north-west. The proposed scale, massing and bulk are appropriate to the position within the appeal site. The retention of the red brick wall to the road frontage and using the existing vehicular and pedestrian

¹ as illustrated on drawing no. 22344A/03 Revision P16.

access would enable plot 1 to integrate within the Mount Pleasant street scene. In relation to the proposed plot 1, I find that when considered in isolation, it would not harm the character and appearance of the site, surrounding area and does take the opportunity to enhance the character and appearance of the CA.

12. The position of the appeal site forms an important link between the lower ground levels of Mount Pleasant and OGC and Welclose Street which sits at a higher level. Therefore any proposal on the appeal site would need to respond sensitively and effectively to the topography, whilst also recognising the contribution that the site makes to the general sense of openness.
13. The split-level design of the proposed townhouses would present a 3-storey frontage and 2-storey rear to all 5 townhouses. Whilst this is not an unusual design approach to address variations in topography, it was clear from my site visit that the rising topography would mean that the proposed townhouses would appear more dominant when viewed from within OGC than the 3 storey frontage would initially suggest. I note that the floor plans indicate that there would be some living accommodation contained within the roofspace. The roof design incorporates an asymmetrical hip and cat slide dormers which contribute to the visual dominance of the roof. This in combination with the scale and massing of the front elevations would result in an unduly prominent form of development that would not harmonise with its immediate surroundings and respect the topography of the surrounding area.
14. Whilst it is noted that Nos 5-10 on the western edge of OGC are a terraced row of 3-storey dwellings; their siting and design all contribute to minimising their potential dominance.
15. I find that the proposed townhouses would represent a significant change in character. This change in character would be experienced within OGC as a whole but would be most noticeable in relation to those dwellings of OGC that would be the closest to the proposed townhouses.
16. The nearest dwellings would be Nos 17 to 13 OGC, although 2-storey dwellings it is significant that they are set lower than the ground level within OGC. Such that there a number of steps down to the ground floor of these dwellings and therefore the ridge line of the garage adjacent to No 17 is approximately at the first floor level of the dwelling. The appeal proposal would visually dominate the character and appearance of OGC. I find that this would adversely harm the character and appearance of OGC, which is also a non-designated heritage asset.
17. The rear elevations of the proposed townhouses would face the rear gardens of the Grade II listed buildings on Welclose Street. Consequently the proposed townhouses would be within the setting of these Listed Buildings. Nos 9-17 and 19-21 are Grade II Listed Buildings and represent examples of early 19th century 2-storey dwellings with low pitched roofs and minimal fenestration within traditional sash windows. The significance of these dwellings is derived from their elevated position and their setting which comprises the surroundings in which it is experienced. The appeal proposal would not affect the visual prominence of Nos 19-21; however, it would dominate views of the rear elevations of Nos 15-17. This would reduce the positive contribution that these Listed Buildings currently make to the character and appearance of the CA.

18. The proposed rear elevations of the proposed townhouses lack locally distinctive architectural detailing. The variation in window sizes, styles and positions would reduce the coherence of the appearance of the elevation. The 5-panelled large patio doors would occupy a substantial proportion of the upper ground floor level and as such would be a prominent feature. The overall design of the rear elevation would be at odds with and fail to respect the traditional design characteristics of the neighbouring Listed Buildings, which form an important design component of the character and appearance of the CA.
19. The Framework advises that planning policies and decisions should not attempt to impose architectural styles or particular tastes, however, it is important to promote and reinforce local distinctiveness. I note that the appellant indicates that the original microfiches for the OGC development were used to inform the design of the townhouses. However, the combination of design features found elsewhere within St Albans and from OGC has produced an uncomfortable hybrid design which fails to satisfactorily respond to the surrounding area.
20. Whilst there is no statutory protection for non-designated heritage assets, the National Planning Policy Framework (the Framework) in paragraph 135 identifies that the significance of a non-designated heritage asset should be taken into account in decision making. In the 'Mount Pleasant Character Area' the non-designated heritage assets form an important part of the overall character and appearance of the CA.
21. I find that the appeal proposal would result in significant harm to the character and appearance of the site and surrounding area, including to OGC as a non-designated heritage asset. The proposal would also harm the character and appearance of the CA by virtue of its prominence, loss of openness, uncomfortable design.
22. The St Albans District Local Plan Review (LPR) is of some considerable age. However, I consider that the policies relevant to the proposal before me do align with the broad principles of the Framework. They would not therefore be considered out of date for this purpose or that of the proposed development. Weight to be attributed to policies is a matter for the decision maker in each case and there is nothing compelling before me that would lead me to give reduced weight to the development plan. Accordingly, as I have concluded that the proposal fails to meet the policies of the LPR I do not agree that the presumption in favour of sustainable development applies in this case.
23. I conclude that the appeal proposal would be contrary to the saved Policies 69(i), 70 (i), (vi) and (vii) and 85 (f) of the LPR. These policies collectively seek to ensure, amongst other things, that development respects its surroundings and does not adversely affect heritage assets.

Parking and access arrangements

24. The appeal proposal includes a total of 16 car parking spaces. There would be 3 allocated spaces for the 5-bedroom detached house in Plot 1; for Plot 2-5, the 4-bedroom townhouses, there would be 2 allocated spaces each, and Plot 6 another 4-bedroom townhouse would have 3 spaces. In addition, 2 visitor parking spaces are illustrated on the site layout plan.

25. The Council's existing parking policies and standards are set out in Policies 39-50 of the LPR. Policy 39 of the LPR requires development proposals to include off-street parking in accordance with a number of criteria relating to the proposed land use. Policy 40 of the LPR sets out the residential development parking standards. As such for dwellings with 4 or more bedrooms the parking standard is 3 allocated parking spaces with 0.5 spaces available for general public use including visitors.
26. The Council adopted revised parking policies and standards in 2002. No information has been given as to whether these revised standards underwent any public consultation or independent scrutiny. As such this limits the weight I attach to these revised standards. A zonal approach was established which involved a degree of parking restraint in Zone 2 areas where good access exists to means of travel other than the private car. The standards are expressed as a maximum. The appeal site is located within Zone 2, as such compliance with the revised standards is encouraged, but schemes slightly below may be accepted.
27. Paragraph 39 of the Framework indicates that local parking standards should take account of a range of factors including the accessibility of the development, the availability of and opportunities for public transport and local car ownership. As the LPR pre-dates the Framework, it is necessary having regard to the advice in Paragraph 215 of the Framework to assess the consistency of Policy 40 of the LPR against the Framework. As the standards do not take account of the factors within the Framework I consider Policy 40 of the LPR to be out of date. As such I afford it only limited weight.
28. I accept that Mount Pleasant is not on a bus route. The site is approximately 500 metres from the city centre and as such, even acknowledging the rising topography, I disagree with the Council and consider that it would offer a reasonable opportunity to walk or cycle to access services and facilities. I note that the nearest bus stops are on the main road (A1081) through the city centre and approximately 500-550 metres from the appeal site. These provide the opportunity to travel to other parts of St Albans and other neighbouring areas.
29. Plot 1 is the largest dwelling within the proposal and would be self-contained as it retains the existing vehicular access from Mount Pleasant. I note that the Council is satisfied with the proposed provision of 3 parking spaces for Plot 1. I see no reason to disagree.
30. There would be a total of 11 spaces allocated to the 5 townhouses in Plots 2-6. Policy 40 of the LPR requires 15 spaces and as such the appeal proposal would have a shortfall of 4 spaces for the townhouses against that policy.
31. There are 6 dwellings proposed within the appeal scheme and therefore using Policy 40 of the LPR it is expected that 3 unallocated visitor spaces would be provided. However, given the self-contained nature of Plot 1 and the area identified for parking within Plot 1, I consider it would be possible to accommodate a visitor parking space such that Plot 1 can reasonably be excluded from this calculation. The proposed layout incorporates 2 visitor spaces, which represents a shortfall of 0.5 spaces against that policy.
32. Whilst there would be technical shortfall of 4.5 spaces against Policy 40 of the LPR, these standards do not reflect the national policy set out in Paragraph 39

- of the Framework. I have had regard to the accessibility of the location and consequently find that this would be a satisfactory level of provision of parking.
33. I note that the Council refers to car ownership data from the Department for Transport which identifies that the East of England has higher than average car ownership levels. However, this data is at a regional level and is not specific to St Albans. The East of England is substantial in geographic size and disparate in settlement characteristics. In a regional context St Albans is a highly accessible location with good availability of public transport. Accordingly I attach limited weight to this data in the context of this appeal.
34. The Council make reference to the appeal site being within an area of 'parking stress.' However, I have no cogent evidence before me, such as the latest parking survey, to substantiate this assertion. I saw on my site visit, which is only a snapshot in time, that there were no visitor spaces available within OGC. There were a number of spaces available on Mount Pleasant such that parking stress was not demonstrated.
35. The appeal proposal would share the existing private access which currently only serves the properties within OGC. It is agreed between parties that it is a private driveway, within the ownership and management of the OGC Management Company Ltd. The Highway Authority has no objections to the appeal proposal.
36. Concerns have been raised regarding the width of the private access. I saw from my site visit that it was not a uniform width for the whole of its length and there were no defined passing places for vehicles. From the entrance to OGC from Mount Pleasant there was no defined footway on the access, such that pedestrians would walk a short distance of the access alongside vehicles until the edge of the communal garden. The design of the private drive is such that it acts as a natural traffic management feature.
37. Paragraph 32 of the Framework states that plans and decisions should take account of whether safe and suitable access to the site can be achieved for all people. It also states that development should only be prevented or refused on transport grounds where the residual impacts of development are severe.
38. I do not consider that the transport impact of the appeal proposal could be judged to be severe. Accordingly, I find that the proposal provides for satisfactory parking and access.
39. I note that the appellant has indicated a willingness to widen the access that is within the appeal site boundary. Whilst I recognise that this would be desirable to allow vehicles to pass particularly at the entrance to the site, failure to achieve this would not result in harm to highway safety.
40. The reason for refusal refers to Policy 39(ix) of the LPR, this only deals with the size of parking spaces. I note that the Council does not set out any conflict with this policy criterion in its appeal statement.
41. I conclude that the appeal proposal does not conflict with paragraphs 32 and 39 of the Framework. Accordingly it complies with Policies 39, 40 and 70 of the LPR which seek to ensure, amongst other things, that developments have satisfactory access and parking arrangements.

Other matters

42. I have had regard to the range of other matters raised through the representations, which are in addition to those that are related to the main issues.
43. A number of concerns have been submitted regarding impact on the living conditions of adjoining occupiers, including loss of light and overshadowing. The Council has no concerns in this respect and notwithstanding the lower ground level of Nos 13-17 OGC as a consequence of the separation distances I see no reason to disagree on this matter.
44. Reference has been made regarding a need for more modest affordable housing for local people on modest incomes. Be that as it may, I have been presented with no cogent evidence regarding the local needs for affordable housing and the lack of affordable housing was not a reason for refusal. In the circumstances this matter does not fall to be considered in this appeal. A range of comments have been raised relating to the processing and determinations of the planning application, including the reference to errors within the submitted documentation. These are not matters for this appeal.
45. A wide range of generalised comments have been made on a variety of issues including impact on local services and facilities, and biodiversity. No substantive evidence has been provided by interested parties to substantiate these generalised comments.

Conclusion

46. It is not disputed that the appeal site is well located and as such represents an opportunity for appropriate redevelopment which is sensitive to its context.
47. I have had regard to the statutory duties set out in s72(1) and s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I conclude that the proposal does not harm the setting of the adjacent Listed Buildings.
48. I conclude that the proposal as a whole would fail to preserve or enhance the character or appearance of the CA. This harm would be less than substantial when considered against paragraphs 132 and 134 of the Framework. I recognise the provision of additional housing would be a benefit and there would be economic and social advantages accordingly. However, these are not sufficient to outweigh the harm I have identified. Consequently, there are no public benefits that would outweigh the harm to the CA in this case.
49. Taking all matters into consideration, the appeal is dismissed.

Rachael A Bust

INSPECTOR