
Appeal Decision

Site visit made on 30 January 2018

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2018

Appeal Ref: APP/B1930/W/17/3181727

Land rear of 52-58 London Road, St Albans, AL1 1NG

- 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 Victory Property Holdings against the decision of St Albans City & District Council.
 - The application Ref 5/16/3822, dated 21 December 2016, was refused by notice dated 17 February 2017.
 - The development proposed is erection of two one bedroom flats with associated landscaping and boundary treatment.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether the proposed development would preserve or enhance the character or appearance of the St Albans Conservation Area (including the effect upon existing trees).
 - ii) (a) Whether satisfactory living conditions would be provided for future residents of the proposed development, with particular regard to the effect of existing trees and (b) the effect of the proposed development upon the living conditions of the occupiers of 52-58 London Road, with particular regard to outlook and light.

Reasons

Character and appearance of the Conservation Area

3. The site is located between existing properties fronting on to London Road and the car park to the rear. Several existing trees located close to the site make a positive contribution towards the character and appearance of the area. There are several building styles evident in the vicinity of the site. There are also examples of buildings on London Road projecting considerably to the rear. However, these are the exception rather than the norm.
4. The height and overall massing of the proposed building would not be dissimilar to that of other buildings in the surrounding area, indeed it would be smaller than some others. Nevertheless, the location of the building to the rear of the existing buildings fronting on to London Road and the limited space retained within the site boundary around the proposed building would result in the

proposed development appearing as out of keeping and unacceptably cramped in this location. Whilst further separation would be provided outside of the appeal site to existing buildings, the siting of the proposed detached building in this location would not reflect the prevailing pattern and layout of surrounding development.

5. Whilst the architectural design of the elevation of the building has sought to enhance its appearance and boundary treatment could be secured by conditions, these matters do not overcome the harm I have found to result from the siting of the proposal. The resulting development would result in an adverse impact on the character and appearance of the Conservation Area.
6. I have taken account of the arboricultural information submitted with the appeal. The canopy spreads and root protection areas of the existing trees would protrude considerably into the site. Firstly, from the evidence before me, I consider that the extent of the trees, including roots, protruding into the site would result in a high likelihood of significant harm from the construction of the building upon the health and appearance of the existing trees. Secondly, the overshadowing that would result from the trees and the proximity of the trees to the windows and walls of the proposed building would result in a strong likelihood that future occupiers would wish to carry out significant works to the trees. Given their proximity to the proposed building, there could even be future pressure for one or more trees to be removed.
7. Although some pruning has already taken place, the works likely to be necessary to provide suitable living conditions for the future occupiers would result in further significant harm to the health and appearance of the trees. This would result in additional harm to the character and appearance of the Conservation Area.
8. Whilst other examples have been cited of buildings being located close to existing trees, this does not override my objections outlined above, which are based on the particular circumstances of the appeal proposal.
9. For the above reasons the proposed development would neither preserve nor enhance the character or appearance of the Conservation Area. It would be contrary to saved policies 69, 70, 74 and 75 of the St Albans District Local Plan Review 1994 ('the Local Plan Review').
10. In the context of paragraphs 132 to 134 of the National Planning Policy Framework ('the Framework'), the proposal would result in less than substantial harm to the significance of the designated heritage asset. I consider this further in my conclusion later in the decision.

Living conditons

11. Given their close relationship with the siting of the proposed building, the canopy spreads of existing trees in relation to the layout and windows of the proposed scheme would result in adverse impacts upon the outlook from the windows and outdoor amenity area of the proposed building. The location and extent of the trees would also result in considerable overshadowing of the front windows and outdoor amenity area during the summer months. The resulting impacts would result in unsatisfactory living conditions for future occupiers of the proposed building. Whilst pruning could be carried out, as set out above,

there is a strong likelihood that the works likely to be required to the trees would be detrimental to their health and appearance.

12. The siting of the proposed building would result in it being clearly visible from the rear windows and rear amenity area of the adjacent property to the north of the site (52-58 London Road), in particular from the rear ground floor flat. However, the proposal would be sited on lower ground than this property to the rear and the pitched roof would slope away from the boundary between the two properties. As such, based on the proposed site layout drawings, I consider that the impacts on the living conditions of the occupiers of this neighbouring property would not be so significant to be unacceptable in terms of both outlook and sunlight.
13. However, the unsatisfactory living conditions that would result for future occupiers of the proposed development would be contrary to the amenity aims of saved policy 70 of the Local Plan Review and the Framework.

Other matters

14. The appellant refers to other planning applications being submitted for buildings to the rear of properties in London Road close to the appeal site. However, only limited details have been provided of these other proposals and I have not been informed of any decision(s) made by the Council. I have consequently given such matters little weight and have considered the appeal proposal on its individual merits and circumstances.

Conclusion

15. The failure to preserve or enhance the character and appearance of the Conservation Area and the unsatisfactory living conditions that would arise for future residents would result in the proposal being contrary to the development plan. Though the Local Plan Review is some years old, the relevant policies in this case are broadly consistent with those of the Framework. I have given the conflict with them significant weight.
16. The proposal would provide for two new dwellings in an accessible location very close to town centre facilities, making a small contribution towards the under supply of housing and associated economic and social benefits. It also seeks to make better use of previously developed land. Nevertheless, the public benefits arising from such factors do not outweigh the harm I have identified to the character and appearance of Conservation Area. Consequently, whilst the Council is not able to demonstrate a five year housing supply, this is a case where specific policies in the Framework indicate that development should be restricted. The development does not therefore amount to the sustainable development sought by paragraph 14 of the Framework.
17. The proposal would conflict with the development plan when read as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given, and taking all other matters into consideration, the appeal should be dismissed.

David Cliff

INSPECTOR