



Appeal Decision

Site visit made on 20 August 2019

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th October 2019.

Appeal Ref: APP/B1930/W/19/3229637

176 Tippendell Lane, Park Street, St Albans AL2 2HZ

- 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 Ms D Al Darraggi against the decision of St Albans City & District Council.
 - The application Ref 5/19/0424, dated 19 February 2019, was refused by notice dated 15 April 2019.
 - The development proposed is demolition of garage and erection of 2 bed, 2 storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of No 178 Tippendell Lane with particular regard to outlook.

Reasons

3. The appeal property, No 176 Tippendell Lane, is a two-storey detached dwelling situated on a corner plot at the junction with Spooners Drive. An area of open green space on the opposite side of Tippendell Lane acts as a focal point at the junction with Spooners Drive.
4. Spooners Drive is largely characterised by two-storey semi-detached dwellings set back from the road behind front gardens. Dwellings along Tippendell Lane are generally larger, many detached, dwellings, again, set back behind front garden areas. Fairly large plots and generous garden areas, combine with the green space, to create a spacious character and appearance with a strong sense of openness.

Character and appearance

5. The proposal is to demolish the existing garage, which fronts Spooners Drive, at No 176 and erect a two-storey dwelling in its place. The proposed dwelling would front Spooners Drive and would be set back behind a small front garden area and driveway.

6. The new dwelling would be similar in design terms to others in the vicinity and in this respect would not appear incongruous in its setting. However, the proposed dwelling would occupy a significant proportion of the plot, particularly in respect of its width, and would be sited close to the boundaries on all four sides. The dwelling would be particularly close to the electricity substation which occupies the gap between the appeal site and No 1 Spooners Drive.
7. There is no dispute that the garden areas of both No 176 and the proposed dwelling would be in accordance with the Council's space standards. Nevertheless, due to the larger plot and garden sizes in the area the remaining plots and gardens would fail to respect the prevailing pattern of development in terms of character and appearance.
8. The proposed dwelling would appear cramped and would erode the open and spacious character of the area, thus harming its character and appearance. Accordingly, the proposed development would conflict with Saved Policies 69 and 70 of the City and District of St Albans District Local Plan Review, 1994 (LP). These policies, amongst other things, expect new housing developments to have regard to their setting and the character of their surroundings and to have an adequately high standard of design.
9. There would also be a failure to conform with the National Planning Policy Framework which promotes high standards of design and states that developments should be visually attractive and sympathetic to the character of the area.

Living conditions

10. The rear of the proposed building would face directly towards the rear garden of No 178 Tippendell Lane. The introduction of a building in this location would have the effect of enclosing the rear of No 178 along one of the side boundaries almost entirely. Due to the size of the building, particularly the height, the proposal would appear as a dominant feature in the outlook from No 178. Consequently, the proposal would lead to an excessive sense of enclosure in the rear garden area of No 178 and would appear oppressive. I therefore consider that the proposed dwelling would cause an unacceptable degree of harm to the living conditions of the occupiers of No 178 in respect of outlook.
11. I have had careful regard to the concerns expressed about the effect of the proposal on light levels at No 176 and No 178. Whilst there would be some loss of light as a direct result of the proposal, due to the orientation of the buildings on site this would be limited to a short timeframe in the late afternoon and early evening. As such, the proposal would not have an unacceptably harmful effect on living conditions at those properties in respect of light.
12. I also consider that any additional noise or disturbance to No 178 created as a result of the proposal would not be excessive. The levels are unlikely to fall outside of that which can normally be expected within a residential area such as this.
13. The lack of harm in respect of light and noise, however, does not outweigh the harm I have identified to outlook.
14. For the reasons outlined above, I consider that the proposed dwelling would cause harm to the living conditions of the occupiers of No 178 Tippendell Lane.

As such, the proposal would conflict with Saved Policy 70 of the LP. Amongst other things this policy seeks to ensure that the design of new housing development has regard to its setting and that the massing and siting of buildings creates attractive spaces of a human scale.

15. There would also be a failure to conform with the National Planning Policy Framework which states that developments should create a high standard of amenity for existing and future users.

Other Matters

16. I acknowledge that the scheme has been amended from that previously refused by the Council and dismissed at appeal with the aim of overcoming the previous reasons for refusal. However, whilst these amendments may have mitigated some of the harm identified previously, they are not sufficient to make the scheme acceptable in planning terms.
17. The appellant has drawn my attention to other examples which are said to represent similar schemes to that before me. Whilst I have given these careful consideration in my assessment outlined above, these examples do not appear in the same immediate visual context as the appeal property. Those which are similar appear to be the exception to the rule and do not represent the prevailing character and appearance of the area which I have identified. In any event, each case must be determined on its individual merits and the circumstances in each case are likely to be different.
18. There is no dispute that the Council does not currently have a five year housing land supply. A presumption therefore exists in favour of granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The addition of a new dwelling which would contribute towards the housing supply in the area would undoubtedly be a benefit of the scheme. I have however, no compelling evidence outlining any further benefits which, combined with the benefits associated with an additional dwelling, would outweigh the harm I have identified above.
19. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusions I have reached regarding the harm to the character and appearance of the area and living conditions at neighbouring properties.

Conclusion

20. The proposed development would fail to accord with the development plan and the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, for the reasons given above and having considered all other matters raised I conclude that the appeal should fail.

L J O'Brien

INSPECTOR