



Appeal Decision

Site visit made on 10 December 2019

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 20th December 2019.

Appeal Ref: APP/B1930/W/19/3236967 2 Woollam Crescent, St Albans AL3 6EJ

- 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 Mrs Katie-Anne Florez against the decision of St Albans City & District Council.
 - The application Ref 5/19/0658, dated 14 March 2019, was refused by notice dated 10 May 2019.
 - The development proposed is erection of a two bedroom dwellinghouse, with parking and amenity space. Single storey front and rear extensions to existing dwelling, with external alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area; and the effect of the proposed single storey rear extension on the living conditions of the occupiers of 9 High Oaks in respect of outlook and light.

Reasons

Character and appearance

3. The appeal site and its neighbour 9 High Oaks are attached to each other at right angles, an arrangement common to many corner plots in the area. Dwellings in the area are generally wide and of simple form, with pitched roofs, gable ends and red brick elevations. They are set well back from the roads with consistent building lines broken only occasionally by extensions or outbuildings, generally single storey. Mature trees and grass verges contribute to the pleasant, spacious character of the area. At road junctions, front and side gardens give a sense of spaciousness and are important in defining the character and appearance of the area. The appeal site reflects the characteristics of such plots and the contributes positively to the character and appearance of the area.
4. The proposed dwelling would infill much of the side garden of the appeal site. While the elevations and roof design would be similar to neighbouring properties, the dwelling itself would be significantly narrower. It would also project well forward of other properties in Woollam Crescent. Consequently, the

- proposed dwelling would be a prominent and incongruous feature in the street scene and would significantly diminish the spacious character of the corner.
5. The gardens for the existing and proposed dwellings would be substantially smaller than those of surrounding properties and would be further reduced by the need to provide car parking. The gardens would accord with the Council's design guidance¹ and would therefore provide satisfactory living conditions for the occupiers, however they would appear cramped in comparison to the relatively spacious plots around the site. The small size of the gardens would be apparent from the public realm and would further erode the spacious character of the area.
 6. The existing hedge lends a pleasant greenness to the site and is a positive feature in the street scene. While it would soften the edge of the proposed development, it would not provide significant screening given the height of the proposed dwelling, and therefore would not mitigate the harm to the character and appearance of the area. In any event, due to the proximity of the proposed dwelling to the hedge, I share the Council's concern that it would be difficult to retain the hedge during construction. No evidence has been presented to demonstrate how this would be achieved. If the hedge were to be lost, the visual impact of the proposed dwelling in the street scene would be even greater as the 2-storey end gable would be entirely exposed to view.
 7. Both parties have referred to various sites which they consider have relevance to the appeal proposal. Plans of approved extensions at 1 and 2 Flint Way have been provided, but no elevations. Those at 2 Flint Way were under construction at the time of my site visit. On both properties the 2-storey elements approved would project forward of the existing property but by significantly less than the appeal proposal, leaving space to the boundary. The curve of Flint Way also means that it has a less consistent building line than on Woollam Crescent. Therefore, the context and layout of both schemes are materially different to the appeal proposal.
 8. 46 Flint Way has a single storey extension and an annex building to the front, however they are in line with other garages in the road and are subservient in scale to the main dwelling, so are markedly different to the appeal proposal. 1 Carnegie Road has been substantially extended but mostly at single storey. The tall wall and fence around the boundary create a hard edge but largely screen the garage adjacent to the road. Consequently, the spacious character of the corner plot has not been significantly affected by the various developments.
 9. 36A Partridge Road is an infill dwelling part way down the street. Its narrow form is unusual in the street scene, however it respects the building line and plot sizes of nearby properties. I note the Council's evidence that the original permission for the dwelling is some decades old and, given the differences in context, it is not clear that the circumstances under which that was approved are comparable to the case before me, which has been considered on its own merits.
 10. Accordingly, the proposed dwelling would significantly harm the character and appearance of the area. Although not listed or in a Conservation Area, it would nevertheless fail to achieve the high standard of design required by Saved

¹ Design Advice Leaflet No. 1: Design and Layout of New Housing (1998)

Policies 69 and 70 of the City and District of St Albans Local Plan Review 1994 (LPR) and would therefore conflict with those Policies. Furthermore, it would conflict with paragraphs 122 and 127 of the National Planning Policy Framework (Framework) which require development to add to the overall quality of the area and be sympathetic to local character.

11. The design of the proposed single storey rear extension and porch to the existing dwelling would be appropriate to the host property and as such would have a minimal impact on the character and appearance of the area. The impact on living conditions is considered below.

Living conditions

12. The proposed extension would be approximately 3m deep from the host property and would project approximately 4.1m past the rear of 9 High Oaks. It would be taller and significantly closer to the boundary than the existing outbuilding and as such would be highly visible from the closest ground floor window in the rear of No 9. The outlook from that window is however already affected by the projection of No 2 beyond it. The proposed extension would have a pitched roof and would occupy only a small part of the outlook from the window, with the remainder retaining an open aspect to the wide garden. As such, the proposed extension would not appear unduly intrusive or overbearing when viewed from No 9.
13. Turning to the impact on light, Saved Policy 70 of the LPR requires development to achieve levels of daylight and sunlight in accordance with the Building Research Establishment (BRE) guidance 'Site Layout and Planning for Daylight and Sunlight, a Guide to Good Practice'. Neither party has provided me with a BRE assessment for either daylight or sunlight.
14. The proposed extension would create some additional shadow towards the nearest ground floor window of No 9 for a limited time in the middle of the day. The window would however benefit from sunlight for much of the afternoon and evening. The proposed extension would also slightly reduce the amount of sky that could be seen from No 9's window and the daylight reaching it. Both daylight and sunlight to this window are however already affected by the existing projection of No 2 and to a lesser extent by the outbuilding. Taking this into account, the proposed extension would not have a significant additional impact and would not result in material harm through loss of daylight or sunlight.
15. Consequently, I find that the proposed extension would not significantly harm the living conditions of the occupiers of 9 High Oaks in respect of outlook and light. This element of the proposal would not therefore conflict with Saved Policy 70 of the LPR insofar as it relates to living conditions.
16. I note that both parties consider that an extension of similar height and depth could be constructed as permitted development² as a side extension to the existing dwelling. No evidence has been presented of any Article 4 direction preventing such developments. The appellant has however expressed willingness to remove this element from the proposal if found unacceptable, which casts doubt on whether there is more than a theoretical possibility that

² Class A(j), Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

such an extension would be constructed. I have therefore given this only limited weight as a potential fall-back position.

17. Both parties refer me to a dismissed appeal at 2 Flint Way³ where a single storey rear extension was found to harm the living conditions of the neighbouring occupiers at 55 High Oaks. The depth and height of the extension and the small size of No 55's garden contributed to the Inspector's finding that the extension would harm the outlook from the neighbouring property⁴. The relationship between the two properties is the same as between the appeal proposal and No 9. However, that extension was approximately 1m longer than the appeal proposal with a flat roof and the garden of No 55 is considerably smaller than that of No 9. The overall impact of that extension would therefore have been materially different to that of the appeal scheme. As such it is not a direct comparison with the proposed development, which I have considered on its own merits.

Other matters

18. The St Albans City and District Local Plan 2020-2036 is currently awaiting Examination. Bearing in mind the stage of preparation of the emerging plan and that no details of the extent or content of any objections to its policies have been provided, it can be afforded only minimal weight. In any event, given my findings above, the development would not accord with the provisions of those policies which seek to achieve high quality design that does not compromise the distinctive character of the area in which it is situated.
19. The appellant contends that the proposal complies with Saved Policy 4 of the LPR. That Policy sets out a presumption in favour of housing development within St Albans, where it is consistent with other policies of the Plan, including Policy 70. As the appeal scheme is not consistent with those Policies, the presumption in Saved Policy 4 does not apply.

Planning balance

20. The latest figures from the Council show that it can only demonstrate a 2.2 year supply of housing land, including a 20% buffer. Therefore, paragraph 11d) of the Framework is engaged.
21. The proposal would contribute to the Framework objective of boosting the supply of homes and would generate economic benefits through construction and occupation, with future residents likely to contribute to the local economy. It would provide a small dwelling at the lower end of the market which would contribute to the mix of housing. Small dwellings are encouraged by the emerging Local Plan however no evidence of the extent of need for such properties has been provided. While all new dwellings make a contribution to housing supply, given the modest scale of development proposed, the benefits would be commensurately modest and therefore carry only limited weight.
22. The proposed development would comprise higher density infill development in a built-up area with good access to sustainable transport modes, services and facilities, in a District where sites for potential development are constrained by the amount of Green Belt. It would therefore accord with the Framework objectives to make more effective and efficient use of land, support the

³ APP/B1930/D/16/3148469

⁴ Paragraphs 10 and 11 of the DL

development of small sites and windfall sites in existing settlements. The proposed development would however conflict with Framework policies which promote good design.

23. The impacts of the proposal on the highway and parking demand could be addressed by suitably worded planning conditions. The proposal would also provide suitable living conditions for occupiers of the existing and proposed dwellings and 4 Woollam Crescent, however these matters are of neutral consequence in the planning balance. Given the lack of detailed information provided on the thermal and energy efficiency of the existing and proposed dwellings, this can be afforded only very limited weight.
24. Although the LPR is time expired this does not automatically render its policies out of date. Framework paragraph 213 sets out that in such cases due weight should be given to the policies, according to their degree of consistency with the Framework. The relevant policies are consistent with the Framework objectives to achieve high quality design and a high standard of amenity. I have identified significant harm to the character and appearance of the area and give substantial weight to this harm and the resulting conflict with the policies of the development plan.
25. Taking into account the significant and ongoing shortfall in the 5-year housing land supply, I conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits of providing one additional dwelling, when assessed against the policies in the Framework taken as a whole.

Conclusion

26. While I have found that the proposed extension would not have a significant adverse impact on the living conditions of the occupiers of 9 High Oaks, this does not outweigh the significant harm that the proposed dwelling would have on the character and appearance of the area. The proposed extension would share a wall with the proposed dwelling so is part and parcel of the same development and cannot be severed from it.
27. For the reasons given above, and taking into account all matters raised, I find that the proposal would conflict with the development plan when read as a whole. There are no other considerations, including the Framework, that outweigh the conflict. I therefore conclude that the appeal should be dismissed.

L McKay

INSPECTOR