



Appeal Decision

Site visit made on 7 January 2020

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2020

Appeal Ref: APP/B1930/W/19/3238368

Stakers Court, Milton Road, Harpenden AL5 5PA

- 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 Michael Hesketh against the decision of St Albans City & District Council.
 - The application Ref 5/19/1461, dated 5 June 2019, was refused by notice dated 18 September 2019.
 - The development proposed is the extension to an existing block of flats to create 3 new flats.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A development has been granted¹ at the appeal site for 'the addition of one storey to each block to create eight, two-bedroom flats in total flowing removal of the tank rooms, additional parking, cycle store, associated landscaping'. I henceforth refer to this as the 'previous permission'.
3. The Council's third reason for refusal refers to Policy 49 of the City and District of St Albans District Local Plan Review (LPR). However, this policy deals with parking standards for hotels and guest houses and the Council has confirmed that reference to it in its decision notice was made in error. Instead, my attention has been drawn to Policy 40 of the LPR which concerns residential parking standards. This policy is referenced in the submissions of both main parties and I do not consider that any other party would be prejudiced by my consideration of it. Furthermore, I have a duty to consider this proposal against the relevant provisions of the development plan. I have therefore had regard to Policy 40 of the LPR in the determination of this appeal.

Main Issues

4. The main issues are:
 - whether or not the proposal would preserve or enhance the character or appearance of the Harpenden Conservation Area; and
 - the effect of the proposal on the living conditions of both the occupants of the existing flats and the future occupants of the proposed flats, with particular regard to access to suitable external amenity space; and

¹ Ref. 5/2018/2611

- the effect of the proposal on local amenity, with particular regard to the proposed parking provision.

Reasons

Conservation Area

5. The appeal site lies within the Harpenden Conservation Area (CA). I therefore have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of this CA. The National Planning Policy Framework (the Framework) also advises that great weight must be given to the conservation of designated heritage assets and any harm which is less than substantial must be weighed against the public benefit of the proposal.
6. In considering the significance of this part of the CA, this appears to derive from the historic and architectural quality of late Victorian and Edwardian properties. These have large gardens and are set in well-landscaped streets. The appeal site accommodates two blocks of three storey flats constructed under flat roofs. These are surrounded by areas of open space with established trees and other vegetation along the site's boundaries. The spacious and verdant nature of the appeal site contributes positively to the character and appearance of the CA.
7. This proposal seeks planning permission for the construction of a three storey extension to the side of the block of flats identified as 'Block B' on submitted plans. This would be constructed under a flat roof and would facilitate three additional dwellings at the site. The proposal would respect the main building lines and would not draw development closer to Milton Road or Station Road. Nonetheless, it would add a large amount of bulk and mass to the side of Block B. Whilst this would not significantly increase the building-to-plot ratio throughout the whole of the site, it would erode the open feel of this part of it to a modest degree.
8. In addition, the Council has not raised any concerns with regard to the previous permission. However, this extant and unimplemented development has been clearly brought to my attention through the submissions of both main parties. Indeed, elevational plans have been provided by the appellant which show how it would appear at Block B. Given my statutory duty in terms of the CA, I must consider the impact of the proposal when viewed in conjunction with this previous permission.
9. The previous permission would increase the height of all of Block B by one storey through the addition of a gambrel roof. Not only would the appeal proposal be lower than the rest of Block B were it to incorporate the previous permission, but its flat roof form would also be totally different to it. In my view, the proposal would therefore result in a visually jarring transition between roofs at Block B if it was implemented alongside the previous permission. This would be to the significant detriment of the appearance of Block B, which would add to the above mentioned harm. In reaching this view, I am mindful that the implementation of an existing permission cannot be prevented by a condition attached to a subsequent permission.
10. Taking all of the above into account, I am not persuaded that the scheme would add to the quality of the area, as advocated by the design objectives of the Framework. On the contrary, it would introduce an inappropriate feature

that would fail to integrate effectively with the design of Block B and erode its spacious setting. Although this harmful impact would be screened from some vantage points along surrounding roads by trees, it would be readily apparent from within the appeal site. The adverse effects of the proposal could not be overcome by the adoption of a suitable solid to void ratio and an appropriate materials palette. Neither would additional planting or an unobtrusive layout for proposed car parking spaces sufficiently diminish the harm I have identified.

11. I note that the proposal would be within the root protection areas of a number of nearby trees. However, this would be a small encroachment and, with regard to the appellant's submitted Arboricultural Report, would be well within what these healthy trees could tolerate. Consequently, although the proposal would result in the loss of a hedge towards the north eastern boundary of the site, it would not result in the removal of, or damage to, any established trees. The site's verdant character would therefore not be significantly harmed in this respect. Thus, I find no conflict with Policy ESD14 of the Harpenden Neighbourhood Plan (NP) and Policy 74 of the LPR insofar as they seek to prevent the unacceptable loss of trees and hedgerows.
12. Nevertheless, for the reasons given, I conclude that the proposal would fail to preserve or enhance the character or appearance of the CA. It would therefore conflict with Policies 2, 4 and 85 of the LPR. Amongst other things, these seek to ensure that developments, including their cumulative effect, protect and enhance the character of settlements and are sympathetic to their surroundings within conservation areas. I have also been referred to Policy 106 of the LPR. However, this deals with nature conservation and is not relevant to this main issue.
13. The identified harm would be less than substantial within the meaning of the Framework. However, any such harm merits great weight in accordance with paragraph 193 of the Framework and falls to be weighed in the balance with the public benefits of the development. I will return to this in my overall planning balance.

Living Conditions - External Amenity Space

14. Policy 70 of the LPR states that, in the case of flats, it will normally be appropriate to provide communally shared amenity space. It also refers to the Council's Design and Layout of New Housing Advice Leaflet No.1 (AL) which provides further guidance on this matter. In this instance, the AL appears to require that a total of 780sq.m of external amenity space is provided to serve the existing and proposed flats.
15. From the evidence, the two blocks of flats at the appeal site currently benefit from approximately 1700sq.m of external amenity space. The proposal would reduce this by approximately 85sq.m. However, the retained external amenity space would still exceed the quantum required by the AL. This is likely to be so even if the previous permission was also implemented at the site. I note that the quality of the retained external amenity space would be compromised to a degree by factors such as overlooking from ground floor flats. However, the evidence before me also shows that there are areas of public open space within relatively close proximity of the appeal site. In my view, it is reasonable to consider that such areas could be utilised by current and future occupants.

16. For the reasons given, I conclude that the proposal would not adversely affect the living conditions of both the occupants of the existing flats and the future occupants of the proposed flats in terms of access to suitable external amenity space. It would therefore accord with Policy LP70 of the LPR insofar as it seeks to ensure that appropriate external amenity space is provided for flatted developments. It would also accord with the Framework insofar as it seeks to secure a high standard of amenity for existing and future users.

Parking Provision

17. Policy 40 of the LPR requires that five off-street parking spaces are provided for the proposed dwellings. The proposal would provide an additional 10 off-street parking spaces and therefore exceeds this requirement.
18. I appreciate that there is a shortage of off-street parking spaces for the existing flats. I also note that the Council consider that there would be an under-provision of parking spaces for the appeal proposal if it was implemented at the same time as the previous permission. However, such a deficit would not appear to be significant. In addition, I have no substantive evidence to show that the existing under-provision of spaces has significantly prejudiced vehicular or pedestrian safety. Neither has the Highway Authority objected to the appeal scheme. Furthermore, the appeal site is close to services and facilities, including public transport facilities, which may discourage the ownership of some private vehicles by future occupants.
19. Taking all of the above factors into consideration, even if there was a small deficit of parking spaces for the appeal scheme if implemented alongside the previous permission, I am not persuaded that this would result in an unacceptable impact on highway safety. Neither would it be likely to significantly inconvenience existing residents in terms of parking availability.
20. For these reasons, I conclude that the proposal's parking provision would not adversely affect local amenity. The scheme would therefore accord with Policies 34 and 40 of the LPR and Policy T11 of the NP. Amongst other things, these seek to ensure that developments provide appropriate levels of off-street parking spaces and are acceptable in terms of their impact upon highway safety.

Planning Balance

21. The Government is seeking to significantly boost the supply of housing. Although within an accessible location, the proposed dwellings would make only a modest contribution to the Council's housing stock. Similarly, the economic benefits associated with their construction and occupation would also be modest. I therefore give moderate weight to the scheme's social and economic public benefits.
22. I have found that the proposal would be acceptable in terms of parking provision and that existing and future occupants would have access to suitable external amenity space. It would also be acceptable in other respects. For example, it would not significantly harm living conditions at surrounding properties in terms of access to daylight, privacy and outlook. However, these are requirements of the development plan and are therefore neutral factors in the overall balance.

23. On the other hand, I have found that the proposal, particularly if implemented alongside the previous permission, would fail to preserve or enhance the character or appearance of the CA. This harm to a designated heritage asset carries significant weight against the proposal.
24. Taking the above factors into consideration, I am not persuaded that a clear and convincing justification for permitting the less than substantial harm to the CA has been demonstrated. Such harm would therefore outweigh any public benefits associated with this scheme. Having regard to paragraph 11(d)(i) of the Framework, there is therefore a clear reason to dismiss the appeal even though the Council is unable to demonstrate a five year supply of deliverable housing land.

Conclusion

25. For the reasons given, I conclude that the proposal conflicts with the development plan. There are no other considerations, including the advice of the Framework, that outweigh this conflict. I therefore conclude that the appeal should be dismissed.

M Heron

INSPECTOR