



Appeal Decision

Site visit made on 4 February 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2020

Appeal Ref: APP/B1930/W/19/3240953

14 Woodstock Road North, St Albans AL1 4QQ

- 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 Louis Taylor against the decision of St Albans City & District Council.
 - The application Ref 5/19/1954, dated 25 July 2019, was refused by notice dated 19 September 2019.
 - The development proposed is demolition of detached garage and annexed accommodation (single storey side extension) and development of land to the rear of existing house to provide a new single storey 4 bedroom detached house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. Reference is made in submissions to an emerging St Albans City and District Local Plan. However, this plan is yet to be examined and so I attach limited weight to its policies in my assessment.

Main Issues

4. The main issues are (i) the effect on the character and appearance of the area, and (ii) the effect of associated vehicular noise on the living conditions of occupiers of 12 Woodstock Road North (No 12) and on the nature of the area.

Reasons

Character and appearance

5. The appeal property lies in an area characterised by 2 storey, pitched roof dwellings of various styles and design. Housing in the locality is predominantly in a linear pattern, positioned facing the road and with long back gardens.
6. The proposed dwelling would be at the end of the appeal property's back garden and so would not have an obvious presence in the street scene unlike

other houses on the road. Furthermore, the sub-division of the back garden and the positioning of the proposal behind the existing house would be at odds with the general pattern of development in the area.

7. The proposed dwelling would not be easily seen from the road but it would be visible above boundary features and through vegetation from adjoining properties, including the adjacent tennis club. As such, the proposal would have a visual impact on the character and appearance of the area, albeit one that is localised and generally limited to views from private land.
8. Policies 2, 4, 69 and 70 of the City and District of St Albans District Local Plan Review 1994 (LPR) do not explicitly preclude backland development or require replication of a prevailing development pattern. Nevertheless, the proposal would go against LPR policy 2 by failing to preserve or enhance the essential characteristics of the area. The development would comply with the objectives as set out under LPR policy 70, but it would not meet the requirement set out in the first paragraph of the policy to have regard to its setting and the character of its surroundings. LPR policies 4 and 69 are relevant as they require regard be given to policy 70 in the assessment of proposals.
9. The site is not in a conservation area or location which is recognised for the quality of the environment, but the referred to LPR policies relate to all areas within settlements. The Council raise no objection to the appearance of the proposed dwelling and it would not appear unduly cramped due to its relative low height and position away from other buildings. However, acceptability in these regards fails to override or address the marked incongruity of the proposal in terms of its position behind the line of development along the road.
10. For the above reasons, I conclude the proposal would cause significant harm to the character and appearance of the area. Consequently, and in this regard, it would be contrary to policies 2, 4, 69 and 70 of the LPR and the National Planning Policy Framework (the Framework), which aim, amongst other things, to ensure that developments preserve, enhance and are sympathetic to the character and appearance of an area.

Noise

11. The proposed dwelling would be served by a new driveway that would run along the boundary with No 12. Due to the driveway's proximity to No 12, there would be a lack of space for any significant boundary feature. As such, it is likely that noise generated by traffic movements to and from the proposed development would be heard from the neighbour's back garden. Also, No 12 has a number of windows close to the boundary, suggesting that traffic noise associated with the proposal would be heard in the house.
12. The back gardens of the appeal site and neighbouring properties are quiet and generally unaffected by the sound of traffic. No 12's driveway along its boundary with 10 Woodstock Road North stops at the front of the house, thereby avoiding vehicular movements in its back garden. Given this context, it is likely that the introduction of traffic and associated noise as a result of the proposal would disturb the existing tranquillity of the area, particularly in respect of No 12's back garden.
13. It is typical in residential areas for driveways to be positioned close to boundaries and for there to be a subsequent vehicular noise impact on

neighbouring properties. However, the proposal would cause a particularly significant noise effect by virtue of the driveway's position through the quiet back garden and on the boundary with No 12. Irrespective of the fact that the proposal would generate only a small number of vehicle movements at low speeds, traffic noise associated with the development would cause a marked intrusion to the peaceful nature of the site and the surrounding area.

14. The appellant claims that the Council did not consider the issue of noise disturbance when assessing a similar development elsewhere¹, and so to raise such concerns with this appeal proposal would be inconsistent. Furthermore, LPR policy 70 makes no specific mention to noise effects. Nonetheless, I am required to consider the appeal on its own merits having regard to all material considerations. Concerns have been raised in respect of the appeal proposal's effect in terms of traffic noise. Therefore, it is entirely appropriate to have regard to the matter in the determination of this appeal, despite it not being considered by the Council in respect of other proposals or specifically referred to in LPR policy 70.
15. For the above reasons, I conclude that the proposal would cause harm to the living conditions of the occupiers of No 12 and to the nature of the area by reason of associated vehicle noise. Consequently, in this regard, it would be contrary to LPR policy 70 and the Framework, which aim, amongst other things, to ensure a high standard of amenity for occupiers of properties and to ensure development has regard to its setting and character.

Other Matters

16. The Council advise that it is only able to demonstrate a 2.2 year supply of housing land, well below the 5 year supply requirement referred to in paragraph 73 and footnote 7 of the Framework. In such circumstances, paragraph 11 d) of the Framework states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework.
17. The proposal would conflict with the Framework policies that seek to ensure development is sympathetic to local character and to create places with a high standard of amenity for users of property. As such, the proposal would be contrary to the key aspect of sustainable development to create better places in which to live. Consequently, I attach significant weight to the harm caused by the proposal in these regards.
18. The development would be acceptable in terms of effect on highway safety, and impact on ecology and trees. Also, it would incorporate appropriate parking, bin storage facilities and drainage, including a sedum roof. Acceptability in these regards is a neutral factor in my assessment.
19. The proposal would address the appellant's need for additional accommodation and would allow his family to stay close together. However, there is no assurance that the dwelling would be occupied by the appellant or his family and it has not been shown that the proposal is the only way of addressing the accommodation needs. As such I attach limited weight to this factor in my consideration.

¹ 4 Hill End Lane Council ref 5/2016/3430;

20. The development would add to the housing stock and would be a more efficient use of land in a location with good access to facilities and transport links. Also, it would create construction jobs and future occupiers would support local businesses. Whilst the Council has previously attached significant weight to the advantages of a similar scheme², I consider the benefits of the appeal proposal to be modest as it would result in a single additional dwelling. As such, I attach moderate weight to the benefits of the development.
21. Overall, the harm arising from the proposal would significantly and demonstrably outweigh the benefits of the scheme when considered against the policies of the Framework. As such, the presumption in favour of granting permission as set out at paragraph 11 of the Framework does not apply.

Conclusion

22. For the reasons given above, I conclude the proposal would conflict with the development plan when read as whole and that there are no circumstances that justify a decision otherwise. As such, the appeal is dismissed.

Jonathan Edwards

INSPECTOR

² Council ref no 5/2017/3132