
Appeal Decision

Site visit made on 24 February 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2020

Appeal Ref: APP/B1930/W/19/3242177

Perpetua House, Albion Road, St Albans AL1 5DZ

- 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 S. Silverthorne against the decision of St Albans City & District Council.
 - The application Ref 5/19/1040, dated 14 April 2019, was refused by notice dated 30 July 2019.
 - The development proposed is the demolition of the existing building (two studio flats) and the erection of two, two-storey, two-bedroom dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The emerging St Albans City and District Local Plan 2020-2036 is still at the consultation stage and has limited weight.

Main Issue

3. The main issue is the effect of the development on the living conditions of neighbouring occupiers, in particular those living at Nos 150 to 152 Hatfield Road.

Reasons

4. The site comprises two 1-bed studio units housed in one brick building of 1-storey in height, two off-street car parking spaces within driveways to the front, and a piece of unused land to the rear. It is proposed to demolish the two studios and to replace them with two 2-bed houses, which would both be 2-storeys and would be attached to an existing semi-detached house to the south, forming a terrace. Gardens are proposed to the rear.
5. No 152 Hatfield Road is a terraced house which lies to the north of the appeal site. The rear elevation of the closet wing of No 152 has windows serving a kitchen/dining area to the ground floor and a bedroom to the first floor, both of which directly face the proposal. The rear garden backs directly onto the appeal site.
6. The existing building provides a 1-storey blank flank wall directly on the boundary wall with the rear garden to No 152, across the entire width of the garden. The proposal would result in a new much taller 2-storey building with a much taller flank wall directly on the boundary and across the entire width of

the rear garden, and also stretching further eastwards. This would represent a significant increase in the height and width of the wall. The combination of the very close proximity and the increase in height and width would significantly reduce the outlook from the kitchen/dining area and rear garden in particular, and also, albeit to a lesser extent because of its higher elevation, the first-floor bedroom. The garden area is small and the impact of the increase in height would be proportionately greater because of this.

7. This effect would not be reduced by the hipped roof because it is the flank wall itself which reduces the outlook from No 152. I have taken account of the additional windows to the kitchen/dining area on the return elevation of the closet wing, but these do not mitigate the loss of outlook because these windows look out onto a narrow gap to the closet wing of the adjacent property and are therefore not an adequate source of alternative outlook from the room. The appellant suggests that the garden could become a courtyard style area, but that is not what it is at present and the change the appeal proposal would cause to the current character of the garden would be significantly harmful.
8. No 150 Hatfield Road is also a terrace house with a similar layout and window locations to No 152. The property is located further westwards and at an angle to the proposed building. However, the property and its rear garden are still in close proximity to the proposal. The north west corner of the proposal would lie directly on the corner of the rear garden to No 152. The loss of outlook caused by the proposed increase in height and mass of built form on the appeal site would be significant and harmful to the occupiers of this property.
9. Consequently, the proposal would harm the living conditions of neighbouring occupiers at Nos 150 and 152 Hatfield Road, in terms of outlook. It would fail to accord with the general principles of Policies 69 and 70 of the St Albans District Local Plan 1994 (LP), which seek, amongst other things, that all new development should have an adequately high standard of design, taking into account context in terms of size, scale and density, and that the massing and siting of buildings shall create attractive spaces of human scale. The proposal is also contrary to Paragraphs 117 and 127 of the National Planning Policy Framework (the Framework). Amongst other things, these paragraphs seek healthy living conditions and a high standard of amenity for existing users.
10. The Council also cited Policy 72 of the LP as justification for the reason for refusal. However, this policy only applies to extensions to buildings, not new build development. Policy 72 is therefore not relevant to the proposal.

Planning Balance and Conclusion

11. The Council have confirmed that they cannot demonstrate a 5-year housing land supply. The development plan policies are therefore out of date and permission should be granted unless there is a clear reason for refusing based on the effect on St Albans Conservation Area, or if the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.
12. The Council have found that the proposal would preserve the character and appearance of the conservation area and I see no reason to take a different view. This therefore does not provide a clear reason for dismissal of the appeal.

13. Weighing in favour of the proposal is the redevelopment of a highly sustainable site on previously developed land that would provide larger units of residential accommodation than the existing situation, that the proposed accommodation would be of higher quality than the existing studio units, and also the transitory economic benefits from construction of the proposal and longer term economic benefits to local services when occupied. However, the harm to the living conditions of Nos 150 and 152 Hatfield Road through loss of outlook would be so substantial that this one factor alone significantly and demonstrably outweighs the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. Furthermore, there would be conflict with LP policies in respect of the identified harm to outlook. Therefore, the appeal should be dismissed.

O S Woodward

INSPECTOR