
Appeal Decision

Site visit made on 18 February 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2020

Appeal Ref: APP/B1930/W/19/3241792
117 Hatfield Road, St Albans AL1 4JS

- 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 Lionel Wallace against the decision of St Albans City & District Council.
 - The application Ref 5/19/1167, dated 2 May 2019, was refused by notice dated 27 September 2019.
 - The development proposed is change of use of first floor office space to Class C3 (residential), extension and alterations to roof with dormer windows and rooflights and part single, part two storey side and rear extension with habitable roofspace to create additional five flats and alterations to openings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Lionel Wallace against St Albans City & District Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The description of proposed development shown on the Council's decision notice is more precise than that shown on the planning application form. I have therefore used this description in the banner heading and determined the appeal on this basis.
4. The Council's second reason for refusal states that inaccuracies in relation to the proposed rear dormer window, and other details shown on the proposed rear elevation, means that insufficient information has been submitted to fully assess this part of the proposed development. The appellant has submitted amended plans dated 29 September 2019 with the appeal to correct the inaccuracies and I have determined the appeal on this basis. I note the minor discrepancy on the amended plans, as highlighted by the Council's appeal statement, however I am satisfied that the details shown on the drawings allow a satisfactory assessment of the development sought.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of the occupiers of the ground floor flat at No 115A Hatfield Road, with particular regard to daylight and outlook.

Reasons

6. No 117 Hatfield Road is an end-of-terrace property. It has an existing rear outrigger, which extends to the rear boundary. The part of the outrigger immediately to the rear of the front section of the building is designed with a pitched roof and includes side dormers. This steps down in height to a flat roofed section further to the rear, and the rearmost element slopes down to the rear boundary.
7. The adjoining property at No 115 has an existing rear outrigger, which includes a ground floor flat at No 115A. The ground floor windows in the eastern-facing side elevation of the outrigger face the appeal site and provide the main source of daylight and outlook to the habitable rooms of the ground floor flat. The separation between the outriggers of Nos 117 and 115 allows a reasonable degree of daylight and outlook to the habitable windows of No 115A.
8. The proposed development would replace the existing pitched roof of the rear outrigger with a mansard-style roof, which would have steeper roof pitches. The mansard roof would also extend across the existing flat roof and would therefore have greater bulk than the existing outrigger. Furthermore, the proposed part 2 storey, part single storey side/rear extension would erode the spacing that currently exists between the rear outrigger and the habitable windows of No 115A. Taking these factors together, the proposed development would appear overbearing and cause a significant loss of outlook to the habitable windows of No 115A. Moreover, in the absence of any detailed assessment or investigation to demonstrate otherwise, I consider that the proposed development would significantly reduce the daylight received by the habitable rooms of No 115A.
9. I have had regard to a previous planning permission at the appeal site (Ref 5/16/1795), which was granted by the Council and subsequently amended by application Ref 5/17/3156. The current appeal scheme would be bulkier than the previous approval by virtue of the mansard roof with steeper roof pitches. Whilst the previous approval included side dormers, the current appeal scheme would have a steep roof pitch between the dormers, which would create additional bulk. Moreover, the previous approval did not include the part 2 storey, part single storey extension which is shown in the current appeal scheme. As such, the current appeal scheme is materially different to the previous approval and it would have a greater impact on the living conditions of the occupiers of No 115A in respect of daylight and outlook.
10. I therefore conclude that the proposed development would cause significant harm to the living conditions of the occupiers of No 115A Hatfield Road in respect of daylight and outlook. The proposal would therefore be contrary to saved Policies 69 and 70 of the City and District of St Albans District Local Plan Review 1994, which amongst other things, requires the massing and siting of buildings to create safe attractive places and provide sufficient sunlight and daylight. It would also be contrary to paragraph 127 of the National Planning Policy Framework (the Framework), which, along with other things, seeks to create places with a high standard of amenity for existing and future users.

Other Matters

11. It is not disputed that the Council is unable to demonstrate a 5 year Housing Land Supply (HLS). In these circumstances, paragraph 11(d) of the Framework should therefore be applied.
12. Whilst paragraph 59 of the Framework refers to significantly boosting the supply of housing, the increase of 5 additional units would make a limited contribution. There would be a small social benefit in providing a limited number of additional residential units in an urban area close to shops, services and passenger transport facilities. Modest economic advantages would also arise from the construction and occupation of the proposed dwellings. However, the harm to the living conditions of the occupiers of No 115A Hatfield Road would be significant. As a result, the environmental role of sustainable development would not be achieved. The proposal would not safeguard and improve the environment and so it would not accord with paragraph 117 of the Framework in respect of promoting an effective use of land.
13. In applying paragraph 11(d) of the Framework, I find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other material considerations including the Framework.
14. Whilst there are no objections to the proposal from the occupiers of No 115A Hatfield Road this would not alter my decision.

Conclusion

15. For the above reasons, and having had regard to all other matters, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR