
Appeal Decision

Site visit made on 7 July 2020

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2020

Appeal Ref: APP/B1930/W/20/3246413

Unit 6, 40 Coldharbour Lane, Harpenden, Hertfordshire AL5 4UN

- 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 Dor 2 Dor against the decision of St Albans City & District Council.
 - The application Ref 5/19/1376, dated 3 April 2019, was refused by notice dated 7 August 2019.
 - The development proposed is described as 'new external container'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I observed that the container is already located on the site and as such planning permission is sought retrospectively. I have dealt with the appeal on that basis.
3. Based on the description of the development, permission was originally sought for the container to be located on the site permanently. The Council considered the acceptability of the development on that basis and so will I. However, the appellant has alluded to the possibility that permission could be granted for a temporary duration. This is a matter to which I will return after concluding on the main issue.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site is located adjacent to a junction between Coldharbour Lane and Ox Lane. It includes an end of terrace unit and a small area of land on which the container is located. The container is positioned between the unit, parking spaces, a close boarded fence and a small brick wall that adjoins the highway.
6. The properties along Coldharbour Lane nearest to the site are in commercial and industrial uses. The buildings are set back from the highway in a reasonably consistent line and are predominantly 2 storeys in height with shallow pitched or flat roofs. Most of the buildings feature brick elevations, although some are metal clad at first floor level. The immediate area has a cohesive character and appearance as a result.

7. The container is positioned close to the highway, set forward of the building line and highly prominent from both Coldharbour Lane and Ox Lane. It looks cramped beside the unit and parked vehicles and has a harsh, functional and prefabricated appearance that appears at odds with, and is harmful to, the character and appearance of the area.
8. There is a small building nearby at the car wash at Chelford House; however, that building is set back from Coldharbour Lane in a far less prominent position and thus it is not comparable with the container in terms of its effects on the character and appearance of the area.
9. It has been suggested that a fence is installed around the container to screen it from view. The surrounding properties generally feature low level walls or hedges along Coldharbour Lane. In this context, I consider that the installation of a fence which is tall enough to screen the container would result in an incongruous enclosure of the land.
10. The appellant contends that the approval of this appeal is unlikely to lead to other companies wishing to install containers in the area. However, companies may expand over time and require additional space from which to operate and there would be opportunities to install containers in prominent positions elsewhere along Coldharbour Lane. In my view, allowing the appeal would set a precedent for equivalent proposals which would further the harm to the character and appearance of the area.
11. I conclude that the development has a harmful effect on the character and appearance of the area. The development is therefore contrary to policy 69 of the City and District of St Albans District Local Plan Review, policy ESD1 of the Harpenden Neighbourhood Plan and paragraph 127 of the National Planning Policy Framework which require, amongst other things, development to be compatible with the character and appearance of its surroundings.

Other Matter

12. The appellant has stated that the container is required to provide storage space for the company occupying the unit and that the company is unable to vacate the property until October 2022.
13. The container would be less harmful to the character and appearance of the area if planning permission were to be granted on a temporary basis instead of permanently. I also have no reason to doubt that the company requires additional storage space and the container fulfils that requirement. However, I have not been provided with evidence which indicates that the container is the only means by which the company's needs can be met. In addition, granting permission until October 2022 would result in the harm persisting for over 2 more years. Furthermore, while the container may provide a benefit to the company occupying the property, its adverse effect on the character and appearance of the area may discourage potential tenants from occupying nearby vacant commercial and industrial units.
14. Therefore, I do not find that the benefits of granting permission for a temporary period would outweigh the harm that I have identified.

Conclusion

15. For the reasons given above, the appeal shall not succeed.

Mark Philpott

INSPECTOR