
Appeal Decision

Site visit made on 3 August 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2020

Appeal Ref: APP/B1930/W/20/3253013

Leslie Lodge, 1 Avenue Road, St Albans AL1 3QG

- 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 Ms M Feehily of Northshore Construction Ltd against the decision of St Albans City & District Council.
 - The application Ref 5/19/2397, dated 23 September 2019, was refused by notice dated 26 November 2019.
 - The development proposed is described as "*side and rear extensions to create 2No additional dwelling with internal revisions*".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of the proposed development from the planning application form although I note that it is expressed differently on other documents.
3. The appellant has put forward revised plans that show the retention of the existing Lime tree and additional landscaping within the appeal site. This additional information does not materially alter the proposal. In accepting these drawings, I do not consider the interests of parties who might wish to comment would be prejudiced. For this reason, I have had regard to these plans.

Main Issues

4. The main issues raised by the appeal are the effect of the proposed development upon: -
 - (a) The character and appearance of the locally listed building and whether the development would preserve or enhance the character or appearance of St Albans Conservation Area (the CA);
 - (b) The Lime tree;
 - (c) The living conditions of existing and future occupiers; and
 - (d) Parking and accessibility

Reasons

Character and appearance

5. Avenue Road has a split in character with the western end retaining many of its original buildings. The appeal property sits at the end of four adjoining properties that are locally listed. It has a prominent siting at the junction with Stonecross with all three of its elevations being visible in public views from the adjoining roads.
6. The four properties are made up of two pairs of semi-detached properties connected by a recessed two-storey element. The properties have a uniformity to their form, design and detailing. I saw that the existing two storey side extension at No 1 is not reflected at the other side of the pair. Nonetheless, there is a two-storey side addition of similar width recessed from the frontage at the side of No 7, albeit of different design.
7. These buildings have retained much of their original character and are good examples of development of their time. This has no doubt contributed to their inclusion within the CA and recognition by local listing. These properties, therefore, have significance both for their historic and aesthetic interest. The appeal property, being to one end of these adjoining properties, therefore forms an integral visual part of these properties and enhances the positive visual contribution that they make to the CA.
8. The proposed extensions have been designed to reflect the design and elements of the detailing of the host property. However, they would extend the property both to its side and rear. In doing so this would bring about a change to the existing symmetry of these properties and this row of properties would become visually unbalanced by the creation of a larger property to one end. When viewed from Stonecross, the pitched roof with flat roof dormer would appear visually out of keeping with the other connecting properties. Taken collectively, the additions would be visually detrimental to the character and appearance of these properties and their significance, as well as to their special interest and that of the CA. Furthermore, given the prominent location of the building, the visual harm that would result from the proposed development would be extremely apparent in public views from the surrounding area.
9. I acknowledge that this corner plot has a larger plot size than those of the adjoining properties and this facilitates the extension of the existing property. Although the proposal would retain separation between the proposed development and the perimeter of the site, this does not overcome the visual harm to these adjoining properties that I have identified. The additional landscaping measures would enhance the visual quality of the landscaping within the appeal site. Nonetheless, this would not overcome the harm that I have identified above.
10. The National Planning Policy Framework (the Framework) indicates that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

11. Given the size and scale of the proposal affecting the adjoining CA as a whole, I consider there would be less than substantial harm to the character of the CA and the proposal would neither preserve or enhance it. I consider there would be less than substantial harm to this designated heritage asset, and I give this considerable importance and weight.
12. In accordance with paragraph 196 of the Framework I must weigh the harm against the public benefit of the proposal. The development would secure the optimum viable use of the site and increase occupancy levels. It would contribute two windfall properties of internally good design to the City and District's housing supply, noting that there is a shortfall. The additional flats would be located where there is good accessibility to services and facilities and where the principle of residential development would normally be accepted by the Council. However, being a scheme of two units, the contribution and benefit to the public, in my view, would be extremely modest, and insufficient to outweigh the harm identified. With regard to the CA, I conclude that the proposed development would fail to accord with national policy that requires special attention to be given to the desirability of preserving or enhancing the character or appearance of a CA (Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990).
13. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the locally listed building and would not preserve or enhance the character or appearance of the CA. The proposal would, therefore conflict with Policies 69, 70, 85 and 87 of the St Albans District Local Plan Review 1994 (the Local Plan) and the provisions of the Framework. These policies seek, amongst other matters, development to have regard to its setting and the character of its surroundings, to pay special attention to the desirability of preserving or enhancing the character or appearance of CAs and that require alterations and extensions to locally listed buildings to preserve features of architectural or historic interest.

Lime tree

14. The Lime tree is a highly prominent tree that makes a significant and positive visual contribution to the verdant character and appearance of the area. I saw that it is a mature tree that appears to be in good health. I consider the loss of this tree would be detrimental to the landscape character and appearance of the area and the CA. However, the appellant has indicated that it is now intended to retain this tree. This amendment is welcomed as the loss of the Lime tree, that is a good specimen, should be resisted, particularly when such a tree has a potential longevity to continue to make a significant and positive visual contribution to the character and appearance of the area into the future. Retaining this tree would remove conflict with Policies 74 and 85 of the Local Plan that seek, amongst other matters, to retain significant healthy trees in CAs.

Living conditions

15. To accord with the Council's Design Advice the development is required to provide at least 140m² of outdoor living space for the occupiers' enjoyment. Although the current provision would not meet the required provision for existing occupiers, increasing the number of households would further reduce the provision that the standards afford for each residential unit. The proposal would fall significantly below the Council's minimum standards.

16. The communal outdoor living space is important for use by the existing and future occupants of this property since, as a flatted development, the individual units would not have their own private external spaces. An outdoor living space could be used by occupants for sitting out, drying clothes, storing bicycles, general outdoor recreation, and so on. The proposed development would not provide adequate space to accommodate such activities for all of its proposed occupiers. I acknowledge the outdoor space is currently of insufficient size for existing occupiers when applying policy standards. However, this does not justify adding more households, whether suitable for family accommodation or not, that would compete for use of the extremely limited outdoor space available to them. I note that in town centres historically an absence of private outdoor space may have been commonplace. However, what may have been considered acceptable in the past does not justify substandard development at this present point in time.
17. Whilst there is other public open space not far from the appeal site this would not provide the same type of outdoor space as it would not cater for those household uses that I have described. That park would, therefore, not adequately compensate for the insufficient outdoor living space at the property.
18. For these reasons, I conclude that the proposed development would be harmful to the living conditions of existing and future occupiers. The proposal would, therefore, conflict with Policies 69 and 70 of the Local Plan and the provisions of the Framework. These policies seek, amongst other matters, development to be of a high standard of design and, for flats, to provide communally shared amenity space adequate for the number of persons and their likely range of activities.

Parking and accessibility

19. One of the parking bays would be of substandard width and there would be restricted space within the forecourt for vehicle manoeuvrability to and from another parking bay. Therefore, the proposed development would result in a substandard parking arrangement. Part of the footway that leads residents to the rear garden could be utilised as part of the substandard parking space, but this would unacceptably obstruct the footway and I do not consider this to be a credible design solution. I acknowledge, that small vehicles or motorcycles could access and manoeuvre into spaces. However, I have not been directed to any mechanism that would control the size or type of vehicles used by occupiers or that might prevent car usage by occupiers. Furthermore, the site's city centre location does not justify a substandard parking arrangement at the appeal site.
20. It is important to have easily accessible off-road parking to avoid delays in occupiers accessing spaces that could lead to congestion on the public road and have an impact on highway safety. Whilst the appeal site benefits from access to public transport and unrestricted on street parking in the vicinity, this does not justify a substandard parking arrangement at the site that could lead to an unacceptable impact on highway safety close to a busy highway junction.
21. For these reasons, I conclude that the proposed development would not provide adequate and accessible parking provision. The proposal would, therefore, conflict with Policies 34, 39 and 70 of the Local Plan and the provisions of the Framework. These policies seek, amongst other matters, parking and vehicle manoeuvring spaces to meet specified minimum standards.

Other matters

22. The Council cannot currently demonstrate a five-year housing land supply. The Framework sets out that development proposals should be approved except where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 6 to paragraph 11 of the Framework includes policies relating to designated heritage assets. I have found that that the proposal would be harmful to the designated heritage asset that is the CA. Therefore, the presumption in favour of sustainable development does not apply in this case.

Conclusion

23. A number of nearby residents raise a series of other concerns about the proposal but in view of my conclusions on the main issues there is no need for me to address these in the current decision.
24. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR