



Appeal Decision

Site visit made on 16 September 2020

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/B1930/W/20/3252481

1 Station Terrace, Park Street, St Albans, AL2 2PY

- 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 Michael Hesketh against the decision of St Albans City & District Council.
 - The application Ref 5/19/2182 dated 21 August 2019, was refused by notice dated 22 November 2019.
 - The development proposed is described on the application form as "Extension to existing terrace block for the creation of one, two-bedroom house and two, two-bedroom flats".
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - the effect of the loss of two trees on the character and appearance of the Park Street and Frogmore Conservation Area; and
 - the effect of the development on the amenity of local residents, with particular regard to parking.

Reasons

Appeal site context

3. The appeal site is triangular in shape and forms part of the side and rear garden to No 1 Station Terrace, a 2-storey end-of-terrace cottage constructed in 1913 which falls within the Park Street and Frogmore Conservation Area (the 'conservation area'). Station Terrace is a row of 12 locally-listed properties which front onto Park Street (the A5183), a busy vehicular highway with a modest number of dedicated on-road parking bays to its eastern side.
4. That part of the conservation area surrounding the appeal site is characterised by; (1) historic 2-storey terraces to the east and west sides of Park Street with short front gardens; (2) the railway line and bridge which cuts across the road; and (3) the trees and associated greenspace of the appeal site and railway embankment, which collectively provide a verdant soft edge to the adjacent hard built form.

Character and appearance of the Park Street and Frogmore Conservation Area

5. The development would result in the loss of two trees that front onto Park Street, a Birch and a Rowan, neither of which have found to be unhealthy in the appellant's Arboriculture Report. Although these are of a limited size and unremarkable form they are nonetheless positioned directly adjacent to the public highway in a prominent position and in my view, make a positive contribution to the conservation area.
6. I recognise that the appellant proposes to mitigate this loss by planting 4 new trees to supplement those that would remain on the railway embankment and the Norway Maple to the site frontage, but these specimens would be of a more limited size initially and 3 of them would be set away from the Park Street frontage, with 2 completely screened by the new development. Furthermore, it would not be possible to deal with this matter by condition as there would be insufficient remaining space for replacement tree planting to the site frontage following development. As a consequence, the soft verdant appearance provided by the publicly visible existing trees at the site would be diminished, which would be harmful to the character of the conservation area.
7. In view of the above, I find that the development would not preserve or enhance the character and appearance of the conservation area in accordance with S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. As a consequence, the scheme would conflict with Policies 74 and 85 of the Local Plan¹, which collectively seek, amongst other things, for developments to retain healthy trees in conservation areas.

The amenity of local residents, with particular regard to parking.

8. Policies 39 and 40 of the Local Plan collectively seek to ensure between 2 and 2.5 spaces per 2 bedroom dwelling. The proposed scheme does not provide any off-road parking spaces and so would conflict with this policy.
9. However, the Council's Revised Parking Policies and Standards² states that schemes slightly below the standards set out in Policy 40 of the Local Plan may be acceptable, and Paragraph 105 of the Framework³ states that in setting local parking standards, policies should take into account, amongst other things; - (a) the accessibility of the development; (b) the availability and opportunities for public transport; and (c) local car ownership levels. Paragraph 102 of the Framework also states that opportunities to promote walking, cycling and public transport should be identified and pursued in development proposals.
10. The appeal site is within walking and cycling distance of a modest amount of local services, shops and facilities, and is on a bus route and near a train station, both of which have a reasonable frequency of service to a variety of locations. I am as a consequence satisfied that the development is in a sustainable location where it would be acceptable to seek a reduced level of parking provision.
11. However, based on my site inspection and the evidence before me, I consider there to be a significant amount of parking stress in the area, which appears to

¹ St Albans District Plan, City and District of St Albans District Local Plan Review, Adopted 30 November 1994, Written Statement.

² Revised parking policies and standards, January 2002, City and District of St Albans, approved by Cabinet on 8 January 2002.

³ National Planning Policy Framework, Ministry for Housing, Communities and Local Government, February 2019.

have arisen due to a combination of; - (a) densely-packed terraced houses with very limited/no on-plot parking; and (b) a limited number of on-road parking bays and other parking facilities. Furthermore, despite there being no information before me of car-ownership levels in the locality, even if this was not high, there is no evidence in the form of any parking surveys setting out the availability of vehicle spaces at different times throughout the day to demonstrate spare capacity.

12. In view of the above, I would not consider it acceptable for the scheme to proceed with no parking provision at all, as this would be harmful to the amenities of neighbouring residents who already experience difficulty in finding a parking space, and in many cases have to park further afield leading to on-road congestion, noise and disturbance in nearby streets.
13. Furthermore, as a consequence of the existing levels of parking stress and the close proximity of the development to a Zebra Crossing, I am concerned that the scheme may result in future occupiers parking, even if only for short periods, on the zig-zag lines either side of it and obstructing the view of pedestrians attempting to cross it from other road users. This has compounded my concerns in respect of parking stress in the locality and its harmful impact on the amenity of neighbours. I have noted the lack of objections by the local highway authority, but this in itself does not demonstrate a lack of harm.
14. In view of the above, I find that the scheme would also conflict with the Council's Revised Parking Policies and Standards, and Paragraph 127 of the Framework, the latter of which seeks to create safe places with a high standard of amenity for existing and future users. Furthermore, I am also satisfied that the scheme's refusal accords with Paragraph 109 which states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Planning balance

15. Planning Permission has been granted for 2 apartments on the appeal site⁴ and I consider there to be a reasonable prospect that this will be implemented in the absence of an alternative permission. However, I have given this limited weight in my consideration as it is of a smaller scale than the scheme now before me and not therefore comparable. In any event, the intensification of development on the site with an additional unit would further serve to compound parking stress levels to an unacceptable degree and also result in the loss of trees that make a positive contribution to the character and appearance of the conservation area.
16. I recognise that Paragraph 117 of the Framework states that planning decisions should promote an effective use of land in meeting the need for new homes, but it does so on the basis that such development safeguards the environment and ensures safe living conditions. For the reasons set out above, I am not of the view that the scheme would comply with this objective. I have also not given great weight to the benefits of the scheme in accordance with Paragraph 68 of the Framework as I do not consider it to be a suitable small site for new homes for the reasons referred to above and below.

⁴ Planning Permission 5/2019/0986 granted on 26 July 2019.

17. Although the Local Plan is over 5 years old, Paragraph 213 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework and that due weight should be given to them according to their degree of consistency with the Framework.
18. Policy 74 of the Local Plan is generally compliant with the Framework insofar as it relates to the main issues of this case. I have as a consequence attached significant weight to this policy and consider it to be up to date. However, Policies 39, 40 and 85 of the Local Plan do not accord with the more comprehensive and balanced approach of the Framework and are out of date. I have as a consequence attached only limited weight to the scheme's conflict with these policies.
19. On the basis of the evidence and my observations on-site, I am satisfied that the scheme would cause less-than substantial harm to the significance of the conservation area as a designated heritage asset. As a consequence, I have weighed this harm against the public benefits of the proposal, including securing optimum viable use, in accordance with Paragraph 196 of the Framework. In carrying out this assessment, I have also given great weight to the protection of the conservation area in accordance with Paragraph 193 of the Framework.
20. Furthermore, in accordance with Section 72 (1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act 1990 (see above), I have also given considerable importance and weight to the desirability of preserving or enhancing the character and appearance of the conservation area when carrying out my balancing exercise.
21. I recognise that the scheme would result in a range of public benefits, namely;
 - (a) a net-increase of 1 additional 2-storey house above that already provided for in the extant planning permission for 2 apartments to increase the choice of local housing stock; (b) a quickly-deliverable contribution towards the Council's 5-year housing land supply in a district where there is a significant deficit; (c) future occupiers contributing to the vitality and viability of local shops, services, facilities, businesses and community organisations; and (d) local employment during construction. However, it is my view that these benefits, when considered collectively with the minimal net increase in number of dwellings proposed, would be of limited value and outweighed by the harm to the character and appearance of the conservation area. Similarly, I am also of the view that these public benefits would not outweigh the harm to the amenity of neighbours that would arise as a consequence of increased parking stress in the locality.
22. I recognise that the Council is unable to demonstrate an up-to-date 5-year housing land supply. However, I have concluded that the scheme conflicts with Paragraphs 193 and 196 of the Framework in terms of its harmful impact upon a designated heritage asset, which as a consequence means that the presumption in favour of sustainable development is not engaged in accordance with Paragraph 11(d)(i) Footnote 6.
23. In view of the above, I conclude that the proposal does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

Conclusion

24. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR