



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: 03 November 2020

Appeal Ref: APP/B1930/W/20/3252157
20 Penny Croft, Harpenden, AL5 2PB

- 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 Lenzie and Mrs Beckles against the decision of St Albans City & District Council.
 - The application Ref 5/19/2794 dated 5 November 2019, was refused by notice dated 27 March 2020.
 - The development proposed is described on the application form as "Erection of new 5 bed dwelling following demolition of the existing, and associated works".
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Decision

1. The appeal is dismissed.

Application for costs

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

Procedural matter

3. The reason for refusal on the decision notice does not make reference to the Neighbourhood Plan¹. The Council and appellant have nonetheless referred to this in their submissions and I have been provided with copies of the relevant policies and have taken them into consideration accordingly.

Main issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area;
 - the effect of the development on the living conditions of neighbouring occupiers at No 18 Penny Croft, with specific regard to visual impact and outlook from the first floor rear elevation master bedroom window.

¹ Harpenden Neighbourhood Plan 2019.

Reasons

Appeal site context

5. Penny Croft forms part of a low density post-WWII (circa 1970s) development containing detached houses on substantial plots with curved building lines and well-planted open plan front gardens. A further defining characteristic of housing on the road is the strong sense of architectural cohesion generated by the consistent use of wide-fronted dwellings, low-pitched gable roofs, large rectangular windows, tile hanging at first floor, and double-width integral garages, all of which combine to give its built-form a strong horizontal emphasis. Overall, I found Penny Croft to be a very attractive and well-designed post-war estate with a distinct sense of spaciousness set around mature front gardens, grass verges and street trees.
6. I did nonetheless note from my site visit that the sense of space that would have originally existed between dwellings has been eroded as a result of many properties being extended to their side. There are also occasional examples of modern replacement dwellings, a number of which I found to be unsympathetic to the original architectural style, form and suburban character of the area. However, despite the collective impact of these changes, I still found the estate's overall character to be sufficiently consistent and intact to remain of a high quality.

Character and appearance

7. The proposed dwelling, at a height of approximately 9.3 metres, would be taller than the adjacent dwelling at No 18 (approximately 8.0 metres tall) and No 22 (approximately 7.2 metres tall). The height of the scheme would be further accentuated by the vertical emphasis of its sash style windows and subdivision into 3 bays. It would also have a significant depth of footprint, which together with its relatively high eaves and sizeable hipped crown roof, would accentuate its considerable mass and scale. The substantial height and bulk of the development would contrast sharply with the more modest proportions of No 22, and the nearest part of No 18 which is set down from the property's main ridgeline. As a consequence, the development would appear unduly tall, bulky and out of scale with neighbouring dwellings (particularly Nos 18 and 22) and cause significant harm to the character and appearance of the area.
8. The public views of the scheme and its relationship with Nos 18 and 22 would be clearly visible when approaching from both directions on the road, which would intensify this harmful impact. This prominence would be further reinforced by the additional attention drawn to the scheme because of its stark contrast in architectural style to that which dominates the surrounding area.
9. In view of the above, I conclude that by reason of its scale, mass and height, the development would appear incongruous in the streetscene when viewed in the context of neighbouring dwellings and be harmful to the character and appearance of the area. The proposal would therefore conflict with Policies ESD1 and ESD2 of the Neighbourhood Plan and Policies 69 and 70 of the Local Plan² which collectively seek, amongst other things, to ensure that new development is of a high quality design that relates to the scale and character

² City and District of St Albans District Local Plan Review, adopted 30 November 1994

of its surroundings and makes a positive contribution to local character of the area.

10. I also find that the scheme conflicts with Paragraphs 127 and 130 of the Framework³ which collectively seek, amongst other things; (a) development that is sympathetic to local character; (b) schemes that establish or maintain a strong sense of place using the established pattern of buildings, streets and spaces; and (c) the refusal of permission for poorly designed development that fails to take the opportunities available to improve the character and quality of an area.
11. The appellant states that the scheme would result in a greater density than the existing dwelling and therefore represent a more efficient use of land. However, although Paragraph 117 of the Framework states that planning decisions should promote an effective use of land in meeting the need for new homes, it does so on the basis that such development safeguards the environment. For the reasons set out above, I am not of the view that the scheme would comply with this objective.

Living conditions of neighbouring occupiers at No 18 Penny Croft

12. I can find no evidence before me of policies in the Neighbourhood Plan and Local Plan that specifically refer to the need to consider the effects of development on the living conditions of neighbours with regard to visual impact and outlook. I have as a consequence assessed the proposal against other material considerations in the evidence before me.
13. The development would project beyond the recessed first floor rear elevation of No 18 Penny Croft, which contains windows to a master bedroom. I also noted from my site inspection that the outlook from this room is already partly restricted by the property's own primary rear elevation which projects beyond this. However, due to the proposed scheme being set in from the dividing boundary and its modest projection beyond the first floor master bedroom windows of No 18, I am satisfied that the loss of outlook from the latter would not be significant and that the development would not appear oppressive or intrusive.
14. In view of the above, I conclude that the development would not be harmful to the living conditions of neighbouring occupiers at No 18. The proposal would therefore accord with Paragraph 127 of the Framework, which states that planning decisions should create places with a high standard of amenity for existing users.

Other matters

15. I note the appellant's frustrations regarding the manner in which the formal application was processed at Committee, but this has little bearing on the planning merits of the scheme before me.
16. My attention has been drawn by the appellant to other planning application decisions in the surrounding area. However, whilst I recognise that there are parallels between elements of some of these schemes and the proposal before me (increased built-form height and the adoption of different architectural styles incorporating hipped and crown roofs with steeper pitches), they have

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

not yet fundamentally changed the overall character of the area and I would not consider it appropriate to replicate this different architectural approach as to do so would further erode, and be harmful to, the distinct and attractive character of the area. The existence of these other schemes does not therefore justify the harm I have identified and in any case, I must consider the appeal scheme on its own merits.

17. The appellant has also sought to justify the scheme on the basis of a comparison between it and newly introduced permitted development rights for the construction of 2 additional storeys on top of existing houses. However, I have no substantive evidence to indicate that there is a significant probability that a 2-storey addition above the existing dwelling would be constructed should this appeal be dismissed, and in any event, there is no certainty that it would be approved following an application for Prior Approval to the Council. This limits the weight that I can attach to it as a fallback position.
18. It has been drawn to my attention that the Council has subsequently granted planning permission for a replacement dwelling on the site⁴. However, this development is lower in height than the appeal scheme and would therefore be less harmful to the character of the area. As a consequence, this fallback position does not justify the harm associated with the appeal scheme.

Planning balance

19. 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.
20. The Neighbourhood Plan was only recently made following examination and Policies ESD1 and ESD2 are generally up to date insofar as they relate to the main issues of this case. I am also satisfied that Policies 69 and 70 of the Local Plan, despite its age, are generally up to date insofar as they relate to the main issues of this case.
21. Although the site is located in a sustainable location where the principle of development is acceptable, for the reasons set out above, I conclude that the harm to the character and appearance of the area would outweigh the modest amount of benefits that the development would contribute, namely, employment during construction works, a net gain in biodiversity arising from additional landscaping, habitat enhancement from bat boxes, and the creation of a more fuel efficient property.

Conclusion

22. Although I have concluded that there is no harm in respect of the main issue relating to living conditions, I am nonetheless satisfied that the harm identified in respect of the main issue relating to character and appearance is sufficient to still justify dismissal of the appeal.
23. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions,

⁴ Council ref: 5/20/1544, decision notice dated 1 October 2020.

have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR