



Appeal Decision

Site Visit made on 10 November 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/B1930/W/19/3240488

14 Frogmore, St Albans, AL2 2LH

- 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 SPG Selt Property against the decision of St Albans City Council.
 - The application Ref 5/19/1740, dated 4 July 2019, was refused by notice dated 1 October 2019.
 - The development proposed is demolition of existing rear extension to single dwelling, erection of two-storey rear extension and conversion of building to form 3 no. two bedroom residential units.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted an amended plan with the appeal proposing a revised external layout, including an additional parking space to the rear of the building. Having regard to the principle established in *Bernard Wheatcroft Ltd vs SSE* [JPL, 1982, P37], to determine the appeal based on these amended plans may deprive interested parties of the opportunity to comment on the revised development. This appeal has therefore been determined on the plans on which the Council based its decision.
3. Both parties have referred to the Council's Emerging Local Plan. This has been submitted for examination, but it is not clear how close it is to adoption. Its policies therefore attract only limited weight in the determination of this appeal.

Main Issues

4. The main issues are whether the development proposed would:
 - Provide satisfactory living conditions for future occupiers; and,
 - Provide an acceptable level of off-street parking.

Reasons

Living conditions

5. The appeal proposal would create 3 two-bedroom dwellings. The appellant has suggested that each dwelling be considered as a maisonette. However, in my experience a maisonette is a dwelling that does not occupy an entire vertical section of a larger building, as would be the case with each dwelling in the development proposed. Each proposed dwelling would occupy the ground and

first floor of the larger building, without any other dwelling above or below. Each dwelling would therefore be a two-bedroom house.

6. The appeal proposal would provide small front and rear gardens for each house, with parking for two cars beyond the rear gardens. The gardens to each house would be significantly smaller than the minimum garden space sought by the Council in accordance with their Design and Layout of New Housing guidance document. While these minimum garden spaces are guidance rather than absolutes, in each case the shortfall would be significant and the gardens would be small and cramped spaces. As each house could potentially be occupied by a small family, the small gardens would result in a lack of space and a poor standard of accommodation for future occupiers.
7. There is public open space within walking distance of the appeal site. However, public open space should complement an acceptable provision of private outdoor space for family housing rather than serve as its replacement, and the proposed gardens would be so small that they would fail to provide for the likely range of activities resulting from family occupation.
8. The shortfall in the provision of garden space for each proposed house would consequently result in unsatisfactory living conditions for future occupiers. The development proposed would therefore conflict with Policy 70 of the St Albans Local Plan 1994 (the LP). This policy requires, among other criteria, that the size of a private garden should reflect the number of persons for which the dwelling has been designed and their likely range of activities.

Off-street parking

9. The appeal proposal would provide 2 parking spaces at the rear of the site. There is no on-street parking in front of the site, and surrounding roads including Brinsmead are private roads.
10. While the appeal site is in a relatively sustainable location, the development proposed would provide less than 1 space per house. As each house would have 2 bedrooms, and so could be occupied by a small family or more than one adult, it is likely that occupiers will own at least 1 car per house. While this may not always be the case, overspill parking from the development would lead to the displacement of existing residents' parking in the area and be harmful to their amenity.
11. The development proposed would therefore fail to make an acceptable provision for off-street parking. It conflicts with Policies 34, 39 and 40 of the LP and the Revised Parking Policies and Standards 2002 (the RPS). Taken together these seek a provision of 2 parking spaces per 2 bedroom dwelling, or slightly below where this would meet likely parking demand.

Other Matters

12. Both parties have referred to the matter of whether or not access to the rear of the site can be secured by the appellant. I am satisfied that, if I had been minded to allow the appeal, this could have been addressed through an appropriately worded condition requiring the securing of access prior to commencement of the development.
13. The development proposed would preserve the character and appearance of the building and the Park Street and Frogmore Conservation Area. The absence

of identified harm to heritage assets is a neutral consideration in the determination of this appeal.

Planning balance

14. There would be harm arising from the development due to the small gardens and the failure to provide sufficient parking spaces to meet the likely demand generated by the 3 houses.
15. The most important policies for the determination of this appeal are Policies 70 and 40 of the LP, which address matters of housing design and layout, and parking provision relating to residential development. Policies 34 and 39 of the LP more generally address parking and highways considerations in relation to new development. The appeal proposal would conflict with these policies, taken as a whole.
16. The Council cannot demonstrate a five year supply of deliverable housing land. The presumption in favour of sustainable development set out in paragraph 11 of the National Planning Policy Framework (the Framework) therefore applies.
17. Policy 70 seeks the provision of gardens of acceptable size among other criteria relating to the design and layout of new housing. Policy 40 states that 2 parking spaces should be provided for each two-bedroom dwelling, although Policy 39 and the RPS both allow for some flexibility in this provision. These policies are generally consistent with the aims of the Framework. The conflict with the policies is therefore attributed substantial weight.
18. The identified shortfall in the supply of deliverable housing land is significant, and the development proposed would assist in reducing this shortfall. In addition, the appeal proposal would result in the refurbishment of a locally listed building and its reinstatement as 3 houses in keeping with its historic use. There would be a temporary economic gain from the works associated with the development, and ongoing benefits from occupation of the 3 houses. However, these benefits would be modest given the scale of the development proposed.
19. Overall, the harm identified would significantly and demonstrably outweigh the benefits resulting from the appeal proposal, when assessed against the policies of the Framework taken as a whole.

Conclusion

20. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR