



Appeal Decision

Site visit made on 23 November 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/B1930/W/20/3254965

Land rear of 96/98 Cravells Road, Harpenden, Herts AL5 1BQ

- 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 Ian Sanders against the decision of St Albans City & District Council.
 - The application Ref 5/19/2755, dated 29 October 2019, was refused by notice dated 28 February 2020.
 - The development proposed is erection of a two-storey 3 bedroom house and separate garage on land to rear of 96/98 Cravells Road.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's emerging Local Plan has been withdrawn from examination. Accordingly, its policies attract no weight in the determination of this appeal.

Main Issues

3. The main issues are
 - Whether the development proposed would preserve or enhance the character or appearance of the Harpenden Conservation Area; and,
 - Whether satisfactory living conditions would be provided for future residents of the proposed development

Reasons

Effect on Conservation Area

4. The site is in the Harpenden Conservation Area (the CA). Within this section of Cravells Road the character is principally that of Victorian semi-detached and terraced houses, and the properties neighbouring Nos 96 and 98 each have long gardens. The appeal site is at the edge of the CA, facing onto Eastmoor Park. Houses on Eastmoor Park near the site are more modern in character.
5. The development proposed would introduce built form onto a prominent site in the street scene. It would result in the loss of a significant gap between Nos 96 and 98 Cravells Road and the houses on Eastmoor Park that back onto the appeal site. The proposed house would be screened from some angles by the trees along this frontage, but it would be a prominent feature due to its height

and the significantly lower ground level further into Eastmoor Park. It would appear intrusive in the street scene, as well as from neighbouring properties. In addition, the shallow plot would be uncharacteristic of houses in the immediate vicinity of the site.

6. The development proposed would therefore fail to preserve or enhance the character or appearance of the CA. Having regard to the National Planning Policy Framework (the Framework) the harm would be experienced principally in the immediate vicinity of the appeal site, as the appeal proposal is for a single house in a primarily residential area. The harm to the CA would therefore be less than substantial, when weighed against its significance as a whole.
7. Set against this harm the development proposed would deliver 1 new house in a sustainable location, and the Council currently has a shortfall in its five year housing land supply. However, this benefit would be modest in scale when set against the great weight that must be given to the conservation of designated heritage assets in accordance with Paragraph 193 of the Framework. In this instance, the public benefit from the development proposed would not outweigh the harm that would result.
8. The appeal proposal would consequently cause unacceptable harm to the character and appearance of the CA. It would be contrary to Policies 69 and 85 of the St Albans Local Plan 1994 (the LP) and Policies ESD1 and ESD2 of the Harpenden Neighbourhood Plan 2019. Taken together these policies require, amongst other things, that development in a CA enhances or preserves the appearance of the CA and that it be sympathetic to its surroundings.

Living Conditions

9. The mature trees along the Eastmoor Park frontage of the site would be close to the front elevation of the house. Given the height of the trees and their proximity to the house there is a strong likelihood that future occupiers would wish to carry out further works to prevent overshadowing or overhanging or to improve the outlook from the front windows, which would serve 4 habitable rooms. This is supported by the submitted sunlight and daylight assessment, which calculates the level of daylight to the windows using the reduced height of the trees following approved works. Even allowing for this reduced height, the assessment states that special measures are required to achieve adequate daylight to the proposed ground floor study.
10. However, the trees are outside the appeal site and there is no guarantee that ongoing works to maintain this lower height would be approved, given the importance of the trees to the character of the CA and the need to prevent harm to their health and appearance. While the house would receive daylight from the gap at the site access, this would not be sufficient to maintain adequate daylight to the interior of the house. The presence of such tall trees in close proximity to the windows to habitable rooms would also substantially limit outlook from those rooms.
11. As the height of the trees falls outside of the appellant's control, it is not possible to guarantee that the development proposed would provide satisfactory living conditions for future residents. It is therefore contrary to Policy 70 of the LP which requires, amongst other criteria, that development have regard to its setting and achieve acceptable sunlight and daylight requirements.

Other Matters

12. The Council cannot demonstrate a five year supply of housing land. However, as there would be harm to the CA the application of policies in the Framework provide a clear reason for refusing the development proposed. The presumption in favour of sustainable development is therefore not engaged.

Conclusion

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

M Chalk

INSPECTOR