



Appeal Decision

Site visit made on 17 November 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/B1930/W/20/3257389

326 High Street, London Colney, Hertfordshire, AL2 1HW

- 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 Stanley & Ingram Ltd against the decision of St Albans City & District Council.
 - The application Ref 5/20/0045, dated 6 January 2020, was refused by notice dated 25 March 2020.
 - The development proposed is erection of a 2.5storey block containing 4no 2 bed flats and 1no 1-bed flat linked to existing end of terrace house which would also be converted into 2no 1bed flats, including new parking court and vehicular crossover.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted an amended plan with the appeal which proposes a revised layout to the site frontage. The amendments include relocation of the bike store closer to the boundary with the adjacent property, repositioning of the bin store, reduction in the number of parking spaces and creation of additional landscaped areas.
3. I note that the appellant submitted the amended plan to the Council during the application process, though the Council did not take it into account due to the stage their consideration of the application was at. I appreciate this would have been a disappointment to the appellant but to determine the appeal based on these amended plans may deprive interested parties of the opportunity to comment on the revised development. In the interests of fairness, I am obliged to determine the appeal on the basis of the application considered by the Council, and this is what I have done.
4. Not to do so could potentially prejudice the interests of adjoining residents as I have no evidence to suggest that they are aware of the suggested revisions in relation to this particular scheme. I cannot be certain there are not interested parties who did not comment on the basis of being content with the scheme as submitted and are unaware of the proposed changes.
5. Both parties had referred to the Council's Emerging Local Plan (ELP). This had been submitted for examination, though due to its stage its policies only attracted limited weight. Nevertheless, since the submission of the appeal the Council have advised that the ELP has now been withdrawn and so its policies have not formed part of my determination of this appeal.

Main Issues

6. The main issues are the effect of the proposed development on the:
- character and appearance of the host property and surrounding area; and
 - living conditions of potential future occupants, with particular regard to provision of outdoor amenity space.

Reasons

Character and appearance

7. The site comprises a two-storey end of terrace property and its associated garden area. The property is set back from the road and is at a much lower ground level. There is a public footpath to the side boundary of the site and there are clear, open views of the site from the front, side and rear.
8. Although there are a mix of property styles and designs to the opposite side of the road, there is a distinct regularity in the street scene which comes from repetition of building designs and consistency in their size, design and set-back from the road. The existing building at the appeal site is reflective of this and, with existing landscaping to the street and adjacent public footpath, it has an open and spacious character which contributes positively to the character and appearance of the area.
9. The appeal scheme proposes a two-storey building to the side of the existing terrace which would connect to the existing building via a narrow link extension. The eaves height would continue through from the existing property though the scheme includes a mixed roof arrangement incorporating, pyramid crown roof, differing ridge heights, flat roof dormer windows and a very shallow pitch roof to the rear, which would further extend the crown roof arrangement.
10. These elements are not characteristic of development in the surrounding area, and rather than add interest in the street scene, this combination would result in a complicated and awkward roof arrangement that would lack architectural subtlety. It would also not compliment the simple style and design of the host property or terrace of which it would form an intrinsic part.
11. As the building would sit at a lower ground level than the site frontage the roof would be a dominant feature of the building and would detract from the established character of the street. The complex roof arrangement would be an especially prominent feature when viewed from the adjacent public footpath and Alexander Road. The intersections between the differing roof elements are not well considered and the development would be particularly discordant and jar visually with the existing property.
12. In addition, the proposal includes the provision of parking which would occupy the majority of the site frontage with bin and cycle storage also proposed. These works would be clearly visible within the street scene and considering their proximity to the site boundary there would be little scope for retention of existing landscaping and limited opportunity for replacement planting.
13. The limited soft landscaping and introduction of detached structures to the site frontage, when combined with the impact from the size and design of the proposed building, in particular its roof arrangement, would result in the

development having an imposing and harsh appearance in the street scene. Overall, the proposal would erode the spacious landscaped character of the site frontage and fail to respond to the established character of the site, resulting in significant unacceptable harm to the character and appearance of the site, host property and surrounding area.

14. Therefore, for the reasons stated above the development would be contrary to Policies 69, 70 and 72 of the City and District of St Albans District Local Plan Review, 1994 (LP) which, amongst other things, seek to ensure that developments are of a high standard of design, respecting and having regard to the scale and character of the existing buildings and its surrounds. For the same reasons the proposal would fail to achieve the high-quality design requirements of Section 12 of the National Planning Policy Framework (the Framework).

Living conditions

15. The proposal includes 7 units of residential accommodation, with communal areas of outdoor amenity space. LP Policy 70 states that the size of private gardens should reflect the number of persons for which the dwelling has been designed, their likely range of activities and also local residential character. Design advice leaflet No.1 provides further guidance on the level of amenity space to be provided around dwellings.
16. There is some disagreement between the parties as to whether the minimum level of amenity space would be achieved. However, from the details before me the amenity space to be provided would be of limited depth and closely adjoined by habitable room windows at ground floor level to the rear and side elevations.
17. The area to the side of the building would be narrow and sandwiched between the building and the public footpath. Considering this and the orientation of the site it would offer limited quality in terms of useable amenity space. Furthermore, the landscaping areas to the site frontage would be narrow and exposed to the comings and goings to the building and parking area. Although it may provide some visual amenity value, it could not be considered as useable amenity space.
18. There would be no defensible space to the ground floor units, and although the appellant considers a condition could address this, I cannot be sure on the basis of the details before me that, even if the minimum space requirements were met, this would result in a configuration that would provide any meaningful amenity space for the future occupiers of the other units.
19. The appellant has stated that there are open spaces within easy walking distance of the site. I saw on my site visit that Cotlandswick Recreation Ground & Leisure Centre is close to the site and there is open space at Five Acres and North Orbital Road Woodland Recreation area. Whilst these would offset the lack of outdoor space to a certain degree, these areas of open space are physically detached from the site, and in the case of North Orbital Road Woodland Recreation area, separated by the A1081. They would not provide the same direct benefits to the day-to-day living environment of future occupants that on-site provision would, and which the Policy seeks to achieve.

20. On the basis of the above I consider that the lack of acceptable provision as part of the appeal proposal, would result in unacceptable harm to the living conditions of future occupants. The proposal would therefore conflict with LP Policy 70 which seeks to ensure developments achieve a high quality and good standard of amenity for future occupants. In addition, the requirements of Paragraph 127 (f) of the Framework, which requires a high standard of amenity for future users, would not be met.

Other considerations

21. The appellant has drawn my attention to a previous scheme approved by the Council for a development of four two-bedroom flats on the site¹. Although this may have been considered against the same Local Plan it was determined some time ago and the permission has lapsed. I have not been provided with the full details of this previous scheme, though from the details before me, there does appear to be some distinct differences between that proposal and the appeal scheme.
22. Although there may be similarities in terms of the main building footprint and eaves height, the previous scheme was for a detached building accommodating four flats and retaining the existing terrace property as a single dwelling. By contrast the appeal scheme proposes an attached building with a significantly different roof arrangement and an overall increased number of units, which includes sub-division of the existing terrace property.
23. As detailed above, the appeal scheme results in a bulky and complicated roof form, which would have a harmful impact on the character and appearance of the host property and surrounding area. The arrangement of the amenity space also differs, with the number of individual properties that it would serve increasing. The appeal scheme would have a greater impact than that previously approved and I do not consider them to be directly comparable. Therefore, having considered the proposal on its own merits, I do not find that the previous scheme provides justification for overcoming the harm I have identified.
24. The appellant has also referred to an appeal decision relating to another site.² The Inspector in that case found the proposed development reflected the height, design, rhythm and form of the adjoining terrace to which it would be attached. There was a shortfall of private amenity space though the Inspector in that case considered the harm to be outweighed by the social and economic benefits of the scheme. The benefits of the current appeal scheme are considered below, though on the basis of the above, I do not consider the sites or schemes to be directly comparable, and this other decision does not, therefore, lead me to a different conclusion.

Planning Balance

25. The Council acknowledges that it cannot demonstrate a 5-year housing land supply which means that the approach set out in Paragraph 11d) of the Framework is engaged.
26. The identified shortfall in the supply of deliverable housing land is significant and the development would assist in addressing this shortfall. The proposal

¹ 5/2005/0824

² APP/B1930/W/18/3213928

would add 6 dwellings to the Council's housing supply and work towards the government's aim, expressed in the Framework, of significantly boosting the supply of homes, although the benefit that this would provide in the context of such a significant shortfall would be heavily tempered by the limited scale of the proposal.

27. The proposal would provide additional dwellings in an existing built up area, close to local services, facilities and transport links and I recognise the important contribution small sites can make to meeting the housing requirement of an area. There would also be some economic benefits during construction and from future occupants use of local services. These benefits would however be modest and attract only moderate weight.
28. However, the proposals would result in significant harm to the character and appearance of the surrounding area and living conditions of future occupants. Although the LP is of some age the most important policies in determining this appeal are LP Policies 69, 70 & 72, which deal with matters of general design and layout, new housing and extensions to buildings in residential areas.
29. These policies are generally consistent with the aims of the Framework in relation to developments achieving a high-quality design and standard of amenity for future users. The conflict with these policies is therefore attributed substantial weight.
30. The proposal would utilise appropriate materials and the site is not listed or within a conservation area. Nevertheless, these matters would have a neutral affect and therefore do not weigh in favour of the appeal.
31. The appellant has suggested that the parking layout could be achieved without the need for planning permission. There is however no evidence before me on this matter and no formal determination in that regard has been made by the Council. It is not for me, under a Section 78 appeal, to determine whether any works could be undertaken, and in the absence of such evidence, this matter carries little weight.
32. The appellant's concerns regarding the lack of communication from the Council during its determination of the planning application would not justify the harm I have identified.
33. 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

34. For the reasons given above I conclude that the appeal should be dismissed.

A Denby

INSPECTOR