



Appeal Decision

Site visit made on 4 January 2021

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2021

Appeal Ref: APP/B1930/W/20/3259211

382 Hatfield Road, St Albans, Herts AL4 0DU

- 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 Cedarwood Developments Ltd against the decision of St Albans City & District Council.
 - The application Ref 5/19/2699, dated 14 October 2019, was refused by notice dated 21 May 2020.
 - The development proposed is demolition of existing bungalow and construction of a replacement two storey building with basement level and roof accommodation comprising eight, 2 bedroom flats and new vehicle crossover.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 4 February 2021.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing bungalow and construction of a replacement two storey building with basement level and roof accommodation comprising eight, 2 bedroom flats and new vehicle crossover at 382 Hatfield Road, St Albans, Herts AL4 0DU in accordance with the terms of the application, Ref 5/19/2699, dated 14 October 2019, subject to the conditions set out in the end schedule.

Preliminary Matters

2. Drawing No 1166/P.01 Revision D has been submitted in support of the appeal to correct a small discrepancy on Drawing No 1166/P.01 Revision C that showed the position of the existing vehicular crossover from Pinewood Close incorrectly. The cycle store has been repositioned and the area of hardstanding slightly reduced in width. This information does not substantially change the proposal and, as such, the plan would not, in my view, prejudice the interests of the Council or third parties who have had the opportunity to comment. For this reason, I have had regard to this plan.
3. I have also been provided with drawing numbers 1166/P.03 Revision C(a) and 1166/P.03 Rev D at final comments stage. However, those plans were not provided as part of the appellant's Appeal Statement, therefore the Council and third parties have not had the opportunity to comment on those plans. The plans seek to address the internal floor space and internal configuration for flats 7 and 8, which are fundamental issues at the heart of this appeal. The Council and third parties have not had the opportunity to comment on the

plans in accordance with correct procedures for appeals, therefore, the interests of these parties may be prejudiced. I, therefore, have not had regard to those plans.

4. I have also been provided a copy of the plans relating to the granted planning permission at the appeal site. However, those plans have already been approved by the Council and that information is within the public domain. I do not, therefore, consider having regard to those plans would prejudice the Council position or that of third parties.

Main Issues

5. The main issues raised by this appeal are: -
 - a) Whether the proposed development would provide satisfactory living accommodation for its future occupants, having regard to flat and room sizes; and
 - b) Whether the proposed development would increase on-street parking in the area.

Reasons

Living accommodation

6. The Technical housing standards – nationally described space standards set out minimum space standards to ensure that development is not cramped internally and that room sizes would ensure convenient and efficient room layouts can be achieved. The Council does not have its own adopted local requirement standards in place. Nevertheless, in the absence of such local standards the nationally described space standards set the appropriate thresholds to which new development should adhere.
7. The Council's committee report indicates that for a two-bedroom, four-person unit over one floor the standards require an internal space of 70m². The Council's report indicates that all but the top floor units would meet the two-bedroom, four-person unit standards. The dispute centres around the two top floor units, flats 7 and 8.
8. The Council calculates the internal floor space of unit 7 to be 54m² whilst the appellant calculates this to be 63.4m². When applying the two bed, four-person (70m²) unit 7 would fall well short of the requirements of the standards according to both the Council's internal floor space calculation of 54m² and the appellant's internal space standard calculation of 63.4 m². However, when applying the two-bedroom, three-person flat size (61m²), there would be a shortfall in size when applying the Council's calculations but not when using the appellants. In addition, the Council is concerned that the bedrooms would fall below size requirements.
9. The appellant indicates that unit 8 should be considered as two-bedroom, three person flats. In applying the nationally described space standards a two-bedroom, three-person unit requires an internal space of 61m². By the Council's internal floor space calculations unit 8 would fall marginally below this standard at 60m², although the appellants calculations put the internal floor space in excess of the standards. Similarly, to flat 7, the Council is concerned that the bedrooms would fall below size requirements.

10. The appellant contends that the Council has mis-read the information provided on the submitted drawings relating to units 7 and 8 and indicates that this explains the difference between the flat floor space calculations.
11. There is discrepancy between parties in respect of the overall flat size relating to flat 7 and this makes it difficult to categorise the flat type for the purposes of applying the nationally described space standards. Neither party has provided any details as to how their respective calculations have been arrived at. Whilst there is difference between the parties, I have no substantive reason to consider the appellant's calculations to be incorrect. On this basis I consider the flat 7 would constitute a two-bedroom, three-person flat when applying the standards.
12. The appellant has explained that some minor internal alterations could achieve a double and single bedroom for flat 7. Notwithstanding this, although the bedroom sizes as originally proposed would be below the prescribed standards, this is only marginally so, and I do not consider this to be a significant shortfall.
13. The appellant has clarified within his final comments that the largest bedroom in unit 8 would measure 11.5m² and the second bedroom would measure 9.2m² respectively for double and single bedrooms. Furthermore, the shortfall in relation to flat 8 overall size would be extremely small; therefore, I consider it reasonable to accept flat 8 would be a two-bedroom, three-person unit.
14. I have been referred by the Council to a 2015 appeal decision at Finchlely, north London. I acknowledge that the Inspector in that case concluded that the sizes of three flats should be considered as two person units as opposed to one person units. However, I have not been provided the full details of that case to determine what similarity that case has, if any, to the one that is before me. Nonetheless, that decision related to a different administrative area where different development plan policies will have applied. Notwithstanding that case, I have considered the proposal before me upon the evidence available to me.
15. For these reasons, I conclude that the proposed development would provide satisfactory living accommodation for its future occupants and would not represent an overdevelopment of the site. As such, the proposed development would not materially conflict with Policy 70 of the City and District St Albans District Local Plan Review 1994 (the Local Plan) and the provisions of the Framework. This policy and the National Planning Policy Framework (the Framework) seek, amongst other matters, development to create places with a high standard of amenity for existing and future users.

On-street parking

16. Policy 40 of the Local Plan requires up to two allocated parking spaces and 0.5 unallocated spaces for two-bed units. To accord with this the proposed development would be required to accommodate twenty parking spaces, however eight spaces, one for each flat, would be provided.
17. The site is close to public bus transport that would link the site with St Albans City Centre. The site is also within walking and cycling distance of a railway station, services and facilities. The car parking requirements would fall below the levels set out within Policy 40, but so would that of the extant planning permission relating to this site (planning reference 5.2018/2036). However,

given the site's location and accessibility to services and facilities, future occupiers would be provided with alternative accessible options for travel that would reduce reliance upon private vehicle.

18. Local residents and Council members express concern over existing high demand for on-street parking in the area. The 2011 Census indicates that there is a high car ownership in St Albans and within the ward of Ashley in which the appeal site falls. Whilst this may be so, Hertfordshire County Council, the Local Highway Authority (LHA), has commented on the acceptability of the proposal in highway terms and indicates that off-street parking will be available at the site and noted that nearby highway parking restrictions will apply. The LHA response says, "*There are no highways issues associated with this proposal that are of significant concern and no objection is raised by the highway authority*".
19. The appellant has submitted a Transport Appeal Statement in support of the appeal. Whilst the Council questions the results of survey work in respect of the time of year that it was carried out and other local residents challenge some of its other findings, I am mindful that the LHA, the Council's expert adviser has not raised an objection to the proposal on highway grounds. Consequently, on the available evidence before me I do not consider the proposed development would give rise to any significant additional demand for on-street parking within the vicinity of the appeal site, and in particular along Pinewood Road. Therefore, I do not consider the proposed development would result in significant parking problems that would obstruct the free flow of movement for vehicles, including those of emergency and service vehicles.
20. For these reasons, I conclude that the proposed development would not significantly increase on-street parking in the area and would not represent an overdevelopment of the site. As such, the proposed development would not materially conflict with Policies, 34, 39 and 40 of the Local Plan and the provisions of the Framework that set out the environmental objective to move to a low carbon economy.

Other Matters

21. Local concern is expressed that there are no flats close by and the development would be out of keeping with the area. I note that the Council indicate that the proposal is overall similar in size to the previously approved scheme.
22. Along Hatfield Road the style, design and size of properties vary. There is a mix of detached, semi-detached and bungalows. The proposed development would have a 2.5 storey appearance and stagger roof ridge height between the existing properties either side. The width of the proposal would be similar to that of semi-detached properties along Hatfield Road. Although incorporating a crown roof with roof dormers, there is variety to the roof forms in the area, some of which incorporate roof dormers. The elevations are of domestic appearance. In terms of its design, size, scale and appearance I consider the proposed development would assimilate with the existing properties along Hatfield Road, despite being a flatted development.
23. Concerns have also been raised to the impact upon adjoining occupiers' rooflights, however, given the separation from the boundary I do not consider any impact would be harmful to the occupiers' living conditions. In addition, I

note that a bedroom within the proposed scheme would be served only by roof light, albeit the bedroom accommodation within an extant planning permission relating to this site also host bedrooms served by rooflights.

24. The Council has indicated that there would not be a satisfactory level of amenity within the site for occupiers despite local concerns having been expressed regarding this issue. The Council has not raised an objection to this shortfall on the basis that there is public space within walking distance of the appeal site that future occupiers could make use of. I consider this would provide a suitable alternative outdoor enjoyment space for future occupiers.
25. There would be a loss of landscaping within the site as a result of the proposed development. Nonetheless, the proposal indicates the provision of planting on the submitted plans. This can be controlled by a suitably worded planning condition to ensure that the site is landscaped appropriately for its urban setting.
26. With regard to the living conditions of existing neighbouring occupiers, from the evidence before me it appears to me that the proposed building would be located in a similar position and be of a similar size and form of that of the previously granted extant planning permission. Therefore, the proposed development would not appreciably alter the impacts upon light, showing, dominance or privacy over and above that of the extant permission. A planning condition requiring side windows in the development to be obscured glazed would protect the privacy of the existing occupiers either side. Given the separation between the proposal and properties at Pinewood Close, I do not consider any substantial harm to living conditions would arise to the occupiers of those dwellings.
27. Some local concern has been raised to the adequacy of the space for manoeuvre within the site however, the Council indicate that there would be sufficient space to enter and leave the site in a forward gear. I see no substantive reason to come to a different view on this matter. Furthermore, there is no substantive evidence before me that might indicate that increased traffic movements relating to the development would pose a highway safety issue for residents of Pinewood Close.
28. Other concerns are raised with regard to construction traffic, potential structural damage to neighbouring property, potential neighbour disputes within the development, noise and disturbance from the development. There is no indication that damage to other properties or disturbance would occur as a result of the proposed development. In addition, there is no clear indication that the proposed development would place significant additional pressures upon services and facilities, such as, GP surgeries or schools.

Conditions

29. I have considered the planning conditions suggested by the Council in light of paragraph 55 of the Framework and the advice in the Planning Practice Guidance. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.

30. In the interests of the character and appearance of the area conditions relating to materials and hard and soft landscaping are necessary. To safeguard the privacy of adjoining occupiers a condition requiring windows in the side elevations to be fitted with obscure glazing and to be fixed shut (as specified within condition 8)) is also necessary. It is appropriate for the safety and convenience of highway users that a condition is imposed requiring redundant dropped kerbs and footways to be reinstated. A contamination condition is required in the interests of protecting human health and groundwater. A condition relating to the size of parking spaces is required to meet the specific parking provision requirements of the development.
31. I consider a fire hydrant provision condition to be an overly onerous requirement in this case. It has not been explained why such a condition would be necessary in the interest of public safety. I see no substantive reason why the installation of external lighting at the appeal site would have a potentially visual unacceptable appearance. I, therefore, do not consider such a condition to be necessary in this case.
32. A condition relating to the relocation of the bus stop and lighting column on Hatfield Road is required to allow access onto the site to facilitate the creation of the parking area. I note that local concern has been raised to the proximity of the bus shelter to the driveway and its highway crossover. This condition is fundamental to the acceptability of the proposal and, therefore it is necessary to be agreed before development takes place.

Conclusion

33. For the reasons set out above, and subject to the conditions listed, this appeal should be allowed.

Nicola Davies

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1166/P.01 Rev D; 1166/P.02; 1166/P.03 Rev C; 1166/P.04 Rev B; 1166/P.05 Rev B; 1166/P.06 Rev B; 1166/P.07 Rev C; 1166/P.09 Rev B; 1166/P.10 Rev C and 1166/P.13 Rev B.
3. No above ground works shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Sample materials shall be made available on site when discharging this condition. The development shall be carried out in accordance with the approved details.
4. No above ground development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The landscape works shall be carried out in full accordance with the approved landscape works. These details shall include (a) proposed finished levels and contours; (b) means of enclosure including front boundary wall and basement lightwell and courtyard balustrades if appropriate; (c) car parking layouts; (d) other vehicles and pedestrian access and circulation areas; (e) hard surfacing materials; (f) minor artefacts and structures (for example furniture, play equipment, refuse or other storage units, signs, etc); (g) proposed and existing functional services above and below ground (for example drainage, power, communications, cables, pipelines etc, indicating lines, manholes, supports etc); (h) retained historic landscape features and proposals for restoration where relevant; (i) existing trees to be retained; (j) existing hedgerows to be retained.
5. The soft landscape works required to be submitted pursuant to condition 4 shall include planting plans; written specifications (including cultivation and other operations associated with the plant and grass establishments); schedules of plans, noting species, plant sizes and proposed numbers/densities where appropriate; an implementation programme shall be submitted. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
6. If within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted in replacement for it is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place. The tree or plant shall be planted within three months of felling/dying or if this period does not fall within the planting season by 31 January next.
7. A landscape management plan indicating long term design objective, management responsibilities and maintenance schedules for all landscape

areas, other than small privately owned domestic gardens shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development whichever is the sooner for its permitted use. The landscape management plan shall be carried out as approved.

8. The windows in the first and second floor side elevations and roofslope facing towards 380 and 384 Hatfield Road shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres taken from internal finished floor level. The windows shall thereafter be retained as such for the lifetime of the development.
9. Upon completion of the development and the altered access being brought into use, all other existing access points not incorporated in the development hereby permitted shall be stopped up by raising the existing dropped kerb and reinstating the footway and highway boundary to the same line, level and details as the adjoining footway/verge and highway boundary.
10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which shall be subject to approval in writing by the Local Planning Authority prior to the occupation of any buildings.
11. The proposed parking spaces shall measure a minimum of 2.4 metres X 4.8 metres each and shall be maintained for the purposes of parking associated and for the lifetime of the development.
12. The development hereby approved shall not be commenced on site until the relocation of the bus stop and lamp column on Hatfield Road has taken place to allow for access onto the site to facilitate the approved parking area to be carried out. Prior to the commencement of development confirmation of these works having been carried out that include a plan showing the relocation of the bus stop and the lamp column shall be submitted to and approved in writing by the Local Planning Authority.