

Appeal Decision

Site Visit made on 23 March 2021

by R Sabu BA(Hons), BArch, MA, PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 12th April 2021

Appeal Ref: APP/B1930/W/20/3255819

40 The Uplands, Harpenden, AL5 2NZ

- 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 and Mrs D Holder against the decision of St Albans City Council.
 - The application Ref 5/19/3111, dated 18 December 2019, was refused by notice dated 5 June 2020.
 - The development proposed is described as, 'erection of a replacement dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. After the application subject of this appeal was determined by the Council, it granted planning permission for a similar scheme on the site in November 2020. Given the evidence, it appears likely that the approved scheme would be implemented should this appeal fail. As such it forms a fall-back position. The primary differences are that the approved scheme includes removal of the front projecting garage, reduction in the size of the basement and alterations to landscaping.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the neighbouring occupiers at No 38 The Uplands (No 38) with particular regard for outlook.

Reasons

Character and appearance

4. The area surrounding the appeal site is characterised by detached dwellings set back from the pavement and with large gardens such that the area has a pleasant spacious feel.
5. The proposal includes the demolition of the existing two storey building on the site and the erection of a large two storey dwelling with basement and accommodation in the roof space as well as a double garage to the front of the house and landscaping at the rear.
6. I note the size of the proposed front garden and that the garage would be single storey and set in from the side boundary. However, given its footprint, height

and siting in front of the proposed dwelling, the proposed double garage would appear prominent in the street scene, thereby unacceptably diminishing the spacious character and appearance of the area. Accordingly, the fall-back scheme would not have a more harmful effect on the spaciousness of the area than the proposed garage.

7. While I note existing front projecting garages in the area, these are generally associated with existing dwellings with a low height such that they do not adversely affect the spaciousness of the area. While detached garages may have been approved in the wider area as noted by the appellant, they appear to be some distance from the site such that they do not provide a direct comparison in terms of character and appearance.
8. The overall height, width and depth of the proposed dwelling apart from the garage is very similar to the fall-back scheme. The proposal is also similar in terms of architectural style and roof form albeit the fall-back scheme has removed the set back of part of the roof and introduced an additional gable feature. Given the comparable scale and massing of the two proposals for the main dwelling, the effect on the character and appearance of the area would be similar in this respect. As such, refusal of permission on this ground alone is not justified.
9. Consequently, the proposed development would harm the character and appearance of the area. Therefore, it would conflict with Policies 69 and 70 of the City and District of St Albans District Local Plan Review Adopted November 1994 (LPR) and Policies ESD2 and H2 of the Harpenden Neighbourhood Plan 2018-2033 Adopted November 2018 (NP) which together seek, among other things, high standard of design and new housing development that has regard to its setting and character of its surroundings. It would also conflict with the National Planning Policy Framework (Framework) in this respect.

Living conditions

10. The garage would be sited forward of the host building. While it would be single storey, its flank wall and roof would nevertheless be visible from the ground floor windows of No 38. However, since the garage would not be sited directly opposite No 38, the neighbouring occupiers would continue to benefit from outlook in other directions. As such, their living conditions would not be unduly affected in this respect.
11. Consequently, the proposed development would not harm the living conditions of neighbouring occupiers of No 38 with particular regard for outlook. Therefore, it would not conflict with the Framework in this particular respect. While I note LPR Policy 70, since there is no direct reference to outlook, this Policy is not directly relevant to this main issue.

Other Matters

12. I acknowledge local concerns including those regarding light, trees and living environment. In addition, I note the accessibility of the site and the low energy rating of the existing building and the environmental credentials of the proposal as well as the evidence regarding the effective use of the land. I also note the evidence within the planning officer's report which recommended approval. However, given the harm identified above, these matters have not altered my overall decision.

Conclusion

13. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR