



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/20/3255590

36 Burston Drive, Park Street, St Albans, AL2 2HP

- 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 Michael Hesketh against the decision of St Albans City Council.
 - The application Ref 5/20/0262, dated 28 January 2020, was refused by notice dated 9 June 2020.
 - The development proposed is described as, 'Demolition of existing dwelling and erection of 2x pairs of semi-detached dwellings'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Burston Drive is a residential street characterised by single and two-storey dwellings with moderate spacing such that the area has a pleasant spacious feel.
4. The proposed dwellings would be two storey and significantly taller than the single storey dwellings either side. In addition, while I note the width of the plot, the proposed roof pitch would be steep, adding to the bulk of the scheme and further diminishing the spaciousness of the area.
5. Notwithstanding the two storey dwellings opposite the road and at No 30 and No 29 Burston Drive (No 30 and No 29), given the low height of the existing building, the site currently contributes to the pleasant spacious character of the area. While I note the other sites in the area referred to by the Appellant and other instances of single storey dwellings sited near two storey properties in the area, they are in different locations such that their position on the street scene is not directly comparable to the appeal site. In any event, each case must be determined on its individual merits.
6. The proposed materials would be in keeping with those prevalent in the area. While I note the evidence regarding landscaping including in relation to No 30, a large number of nearby properties have paved driveways such that the scheme would not be incongruous in this respect. However, given the height and massing of the proposal, it would nevertheless reduce the open character of the street.
7. Planning permission was granted by the Council in 2020 for the construction of four dwellings. Given the evidence, it appears likely that this permission would be implemented should this appeal fail, and thus forms a fall-back position. The

differences between the fall-back scheme compared with the proposed development include a noticeably lower ridge height and shallower roof pitch, and a reduction in the depth of the building at first floor. Accordingly, given the reduced massing of the fall-back scheme, the proposal would not result in less harm to the spacious character of the area compared with the extant permission.

8. Consequently, the proposed development would unacceptably 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 which require among other things that all new development have an adequately high standard of design and new housing development have regard to its setting and character of its surroundings. It would also conflict with the National Planning Policy Framework (Framework) in this respect.

Other Matter

9. I note the evidence regarding local services and public transport. However, these points do not weigh in favour of the scheme.

Planning Balance

10. The Council cannot demonstrate a five-year housing land supply. Accordingly, the tilted balance in the terms of paragraph 11(d) of the Framework is engaged.
11. The development plan pre-dates 2012 but the weight to be attached does not hinge on its age. Rather paragraph 213 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The Framework places emphasis on good design being a key aspect of sustainable development and requires that developments are sympathetic to local character and therefore supports the general thrust of the development plan in terms of character and appearance.
12. The scheme would contribute three dwellings to the local supply of housing. In addition, the scheme would provide some temporary economic benefit through the construction process and future occupiers would be likely to contribute to the local services and facilities. However, given the modest number of dwellings and that the same number of dwellings may be provided as part of the extant permission, these benefits would be limited.
13. Consequently, given the harm to character and appearance, the proposed development would also conflict with the Framework in this regard and the development plan as a whole. As such the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

14. For the reasons given above, the appeal is dismissed.

R Sabu INSPECTOR