



Appeal Decision

Site Visit made on 23 March 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd April 2021

Appeal Ref: APP/B1930/W/20/3263080

6 Foxcroft, ST. ALBANS, AL1 5SP

- 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 Resource Maintenance Limited against the decision of St Albans City Council.
 - The application Ref 5/20/1161, dated 27 May 2020, was refused by notice dated 11 September 2020.
 - The development proposed is Construction of 1 no. three bedroom dwelling with garage, landscaping and associated parking.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Resource Maintenance Limited against the decision of St Albans City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. On the 19th January 2021, the Government published the 2020 Housing Delivery Test (HDT) results. The HDT results show that St Albans District Council has delivered 63% of its housing requirement over the latest 3-year period. Consequently, the presumption in favour of sustainable development contained within paragraph 11 d) of the National Planning Policy Framework (the Framework) would be engaged. As the Council has already acknowledged that they cannot demonstrate a 5 year housing land supply I have not sought further views from the parties on this matter.

Main Issues

4. The main issues are the effect of the development on:
 - the living conditions of the occupants of 8 Foxcroft and 1 Hopground Close, with regard to outlook and privacy; and
 - the character and appearance of the area.

Reasons

Living Conditions

5. The proposed dwelling would be built on the rear boundary of the site, directly adjacent to the garden of 8 Foxcroft. Having regard to the proximity of the development, as a result of the limited depth of the proposed garden, and its

overall scale. I find that the proposal would result in a dominant and overbearing feature when viewed from within the garden and would result in an unsatisfactory relationship with and, in my view, would be harmful to the living conditions of 8 Foxcroft.

6. In addition, the proposed window serving Bedroom 2 would also result in overlooking of the garden of 8 Foxcroft. I note that the Council have stated that all of the windows at first floor would be obscured glazed, however the annotation on the plans indicate that only the three windows serving bathrooms and en-suites would be obscure glazed. Furthermore, the use of obscure glazing to a bedroom window, when there are no other windows serving that room, would also result in a less than satisfactory arrangement for future occupiers.
7. Although the garden areas of the neighbouring dwellings are likely to suffer from a degree of mutual overlooking as a result of their close relationship, the position of the proposed development in close proximity to the rear garden of 8 Foxcroft and the introduction of further windows at a raised level would result in a further loss of privacy.
8. However, I have not identified any impact on the neighbouring development of 1 and 2 Hopground Close, as a result of the position of the dwelling within the site, including the level of separation between the proposed dwelling and those within Hopground Close.
9. My attention has been drawn to a number of other developments in close proximity to the site, however from the evidence available, the examples either had greater back to back distances between gardens or included rooms such as bathrooms and landings with obscure glazed windows to mitigate any potential impact from overlooking and are therefore not the same as the case before me. In any event, I am not bound by other decisions of the Council and I give this minimal weight.
10. In conclusion, whilst I have found that the development would not have an unacceptable effect on the living conditions of the occupiers of Hopground Close, I have found harm to the occupiers of 8 Foxcroft with particular reference to outlook and privacy. The development would therefore conflict with Policy 70 of the St Albans District Local Plan 1994 which seeks to ensure an appropriate level of visual privacy in private gardens.

Character and appearance

11. The site is located on Rodney Avenue, a predominately residential area, comprising the rear garden of 6 Foxcroft and the existing garage. The area is characterised by a range of dwelling types.
12. The size of the plot is reasonable given the scale of the dwelling proposed and would replace an existing garage. The proposed dwelling would have its frontage and vehicular access onto Rodney Avenue and therefore would be read within the context of the existing dwellings located opposite the site.
13. The plot is of sufficient size to provide an appropriate level of parking and amenity space and the proposed dwelling would not appear cramped within the plot with spacing available to the side and rear. The siting of the proposed dwelling whilst being close to the frontage of the site, is not considered

detrimental to the character of the area, having regard to the width of the road, including the existing footpath.

14. Whilst there are only a few properties on the appeal site side of Rodney Avenue, the development would continue the built form from Foxcroft, including that of the host property whose side boundary extends along Rodney Avenue. The proposed dwelling, by virtue of its size and scale, reflects the dwellings within Rodney Avenue and would contribute positively to the character and appearance of the area.
15. I therefore conclude that the proposed development would not harm the character and appearance of the area. It would not conflict with Policies 69 and 70 of the St Albans Local Plan which requires development to be of a high standard, taking into account the scale and character of its surroundings and be of an appropriate design and layout.

Housing Supply

16. The 2020 HDT results show that the Council has underdelivered against its housing requirement over the latest 3-year period. Consequently the presumption in favour of sustainable development contained in the Framework is engaged whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.
17. Considering the current shortfall, the provision of additional housing, noting its small scale, attracts modest weight. There would also be social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. The development would also give rise to some economic benefits during the construction phase and provide limited support to local services.
18. Nevertheless, the identified adverse impacts of the development in respect of the effect of the development on the living conditions on the occupiers of 8 Foxcroft attracts significant weight and outweigh the benefits associated with the proposed development.
19. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework and its presumption in favour of sustainable development, that outweigh this conflict.

Conclusion

20. For the reasons outlined above, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR