



Appeal Decision

Site Visit made on 18 May 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th June 2021

Appeal Ref: APP/B1930/W/20/3263976

316 Hatfield Road, St Albans, 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 Messrs Rory & Andrew Young against the decision of St Albans City Council.
 - The application Ref 5/20/1328, dated 17 June 2020, was refused by notice dated 21 October 2020.
 - The development proposed is described as “demolition of rear extension, garage and outbuildings and construction of two semi-detached dwellings with associated parking.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Both main parties have referred to previous submissions on this site. However, only limited evidence of those earlier proposals has been submitted with this appeal. I have accordingly determined this appeal on its own merits.
3. I have amended the description of development to omit the reference to an earlier application on the site as this is a more precise description of the development.

Main Issues

4. The main issues are:
 - The effect of the development on the character and appearance of the area,
 - The effect on the living conditions of neighbouring occupiers; and,
 - Whether it would provide an acceptable standard of accommodation with particular regard to outdoor space.

Reasons

Character and appearance

5. The appeal site is in an area of mixed residential character, with the Ashley Church directly opposite. Due to the limited set back from Ashley Road resulting from the shallow plot the houses would be prominent two-storey buildings set well forward of the established building line of the properties along this side of Ashley Road. They would appear visually dominant in the street scene, notwithstanding their landscaped front gardens and lower height in comparison to the neighbouring houses. The proposal would substantially fill

- the space between the rear of the host property and No 1A Ashley Road, and would result in a cramped overall appearance to this corner plot.
6. Ashley Church is an example of backland development in the immediate vicinity of the appeal site. However, that is a singular building of lower overall profile, although greater width. In addition, the open car park between the church and junction with Castle Road prevents the church from appearing cramped in the street scene.
 7. Given the mixed character of the area, the appearance of the houses would not in itself result in harm to the character and appearance of the area. However, the absence of harm on this point is a neutral consideration in the determination of this appeal.
 8. The appeal proposal would therefore result in unacceptable harm to the character and appearance of the area by reason of the size and siting of the houses. It would therefore conflict with Policies 69 and 70 of the St Albans District Local Plan Review 1994 (the LP). Together these policies require that development have an adequately high standard of design taking into account the scale and character of its surroundings.

Living conditions

9. Although sunken into the ground and lower than the neighbouring houses with roofs sloping away from them, the proposed houses would be two storeys tall and prominently visible from neighbouring properties. Both Nos 316 and 318 Hatfield Road have windows close to, or directly facing, the appeal site from which the proposed houses would be prominent and overbearing features given the limited separation distances.
10. While the proposed houses would not result in an unacceptable loss of direct light or through overlooking to neighbouring properties, they would cause harm through creation of a sense of enclosure and eroding the outlook for neighbouring occupiers.
11. The proposed development would therefore result in unacceptable harm to the living conditions of neighbouring occupiers. It would conflict with Policies 69 and 70 of the LP, which collectively require that the massing and siting of buildings shall create safe, attractive spaces of human scale.

Standard of accommodation

12. Each house would have two bedrooms and around 80 square metres of garden space, with around 60 square metres of this being private space to the sides and rear of the houses. The garden area to Unit A would be overshadowed by the house for much of the day, but the submitted daylight and sunlight assessment states that it would just meet the minimum recommended natural light levels. On balance, the outdoor space provision for the proposed houses would be acceptable.
13. The host dwelling at 316 Hatfield Road would retain its front and side garden space, and the demolition of the existing rear extension would allow it to retain some space to the rear as well. This provision of space would be acceptable.
14. The development would therefore provide an acceptable standard of accommodation with regards to outdoor space. It would accord with Policy 70

of the LP, which states that the size of a private garden should reflect the number of persons for which the dwelling has been designed.

Planning Balance

15. The development would result in the creation of two new dwellings, supporting the Government's objective of significantly boosting the supply of homes. It is not in dispute that the principle of development is acceptable in this location, nor that the Council cannot demonstrate a five year supply of housing land. The presumption in favour of sustainable development as set out at paragraph 11(d) of the National Planning Policy Framework is therefore engaged.
16. There would be benefits from the provision of new housing, which would be delivered on a windfall site comprising previously developed land in a sustainable location. The site is small, and delivery of the development could therefore be quick. The houses would be built to Passivhaus standards. Collectively I consider that these considerations carry moderate weight in favour of the development, given its relatively small scale.
17. Set against this is the harm that would result both to the character and appearance of the area, and to the living conditions of neighbouring occupiers. These attract substantial weight given the prominence of the proposed houses in the street scene and when viewed from neighbouring properties.
18. In this instance, the adverse impacts associated with the development would significantly and demonstrably outweigh the benefits of it. The presumption in favour of sustainable development does not therefore apply in this instance, and there are no other material considerations to indicate that the appeal should be determined other than in accordance with the development plan.

Conclusion

19. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR