The Planning Inspectorate

Appeal Decision

Site Visit made on 15 June 2021

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

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2021

Appeal Ref: APP/B1930/W/21/3270652
32 Cambridge Road, St. Albans AL1 5LQ

- 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 J. Murphy Developments against the decision of St Albans City Council.
- The application Ref 5/20/2358, dated 11 October 2020, was refused by notice dated 27 January 2021.
- The development proposed is demolition of dwelling and garage and construction of three terraced dwellings fronting Cambridge Road and one detached dwelling fronting College Road with associated parking and access.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by J. Murphy Developments against St Albans City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. A Daylight & Sunlight Assessment, Transport Statement and Parking Stress Survey Report were submitted as part of the appeal. Since this evidence has not altered the proposal, I have had regard to them in my assessment.

4. Since the description of development refers to 'three two dwellings', I have used the description of development from the decision notice in the interests of certainty.

Main Issues

5. The main issues are:

   - the effect of the proposed development on the character and appearance of the area;
   - whether the proposal would provide a suitable living environment for future occupants with regard to private amenity space;
   - the effect of the proposal on the living conditions of neighbouring occupiers with regard to outlook;
   - whether the proposal would provide adequate parking provision; and
   - would any adverse effects significantly and demonstrably outweigh the benefits?

Reasons

Character and appearance

6. The area surrounding the appeal site consists primarily of semi-detached and terraced dwellings with modest spacing such that the area has a pleasant residential feel. The stretch of Cambridge Rd where the site is located consists of a regular rhythm of similar plot widths and rear gardens with a generous depth that results in a pattern of development that provides some spaciousness in an area with modest spacing. The appeal site has a detached dwelling on a plot which is larger than many others in the area and is unusually spacious.

7. The proposed detached property at the rear of the site would result in its rear gardens as well as that of the proposed terrace being significantly smaller than others in the area. It would therefore constitute a harmful departure from the prevailing pattern of development, particularly along this stretch of Cambridge Road significantly diminishing the spacious aspect of the area.

8. The proposed dwellings would be a similar form, height and massing to that of nearby dwellings. While the massing would be closer to the street than the existing dwelling, it would be similar to other corner plots in the area and would therefore not have a harmful effect on the street scene. However, this would not override the detrimental effect of the proposal on the prevailing pattern of development.

9. 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 St Albans District Local Plan Review 1994 (LPR) which requires among other things that new housing development should have regard to its setting and character of its surroundings. It would also conflict with the National Planning Policy Framework (Framework) in this particular respect.

Living environment

10. The proposed dwellings would have three bedrooms and could therefore accommodate families. The private amenity spaces would fall short of the guidance within the Design Advice Leaflet No 1. Given the likely number of future occupiers and the limited depths of the proposed gardens, the proposed private amenity spaces would not be likely to accommodate a range of common activities and therefore would not meet the needs of future occupiers.

11. While LPR Policy 70 allows some flexibility in the sizes of private amenity spaces, there is little evidence before me to indicate that there are public open spaces nearby that would mitigate the harm. While I acknowledge the examples of other small gardens noted by the appellant, limited further details are before me to enable a direct comparison to be made with this appeal. In any event, each case must be determined on its individual merits.

12. I note the evidence regarding the internal space of Plot 4. From the evidence the internal space could accommodate standard furniture as well as circulation space and would therefore meet the needs of future occupiers in this respect. This matter does not however override the harm identified in respect of private amenity space.

13. Consequently, the proposed development would not provide a suitable living environment for future occupiers with regard for private amenity space.

Therefore, the scheme would conflict with LPR Policy 70 which requires among other things that the size of a private garden should reflect the number of persons for which the dwelling has been designed and their likely range of activities. It would also conflict with the Framework in this particular respect.

Living conditions

14. The proposal would bring built development closer to No 1 College Road (No 1) which lies on the opposite side of the road. However, the flank wall of the proposed terrace would be located a significant distance from the windows of the front elevation of No 1 which would continue to benefit from outlook in other directions.

15. I acknowledge the concerns of the occupiers of No 1 regarding light. However, given the distance between the dwelling and the proposal, the windows of the front elevation of No 1 would receive adequate light such that the scheme would not unduly affect the living conditions of the occupiers in this particular regard.

16. Consequently, the proposed development would not harm the living conditions of neighbouring occupiers with particular regard for outlook. Therefore, the proposal would not conflict with LPR Policy 69 in this particular respect which seeks a high standard of design. While I note LPR Policy 70, since there is no specific reference to outlook, this Policy is not directly relevant to this main issue. It would also not conflict with the Framework in this particular respect.

Parking provision

17. LPR Policy 40 requires 2.5 car parking spaces for a 3-bedroom dwelling which consists of two allocated off-street spaces and one unallocated on street space. Since the proposal includes one off-street parking space per dwelling, the scheme would in practical terms result in a shortfall of four off street parking spaces.

18. However, since the site lies a short distance from public transport and within walking distance of local shops and facilities, it is unlikely that all four dwellings would require two parking spaces each.

19. While I note that the Transport Statement has not accounted for census data, since it has assessed recent TRICS data which is an industry standard trip generation database, I am persuaded that the trip generation data reasonably reflects the likely effects of the proposal. There are generally no parking restrictions on the surrounding roads. The Parking Street Survey provided by the appellant indicates that the average parking stress on the roads around the appeal site is high but not at capacity. As such, while I acknowledge the concerns of local residents in this respect, given the limited amount of on-street parking that would be likely to result from the proposal, the scheme would not result in an unacceptable impact on highway safety. Therefore, I agree with the Highway Authority who has not objected to the scheme.

20. As such, while the scheme would fall short of the requirement of LPR Policy 40, the scheme would accord with the aims of the Revised Parking Standards January 2002 (PS) which indicates that parking levels below standards may be acceptable subject to the spaces meeting likely demand.

21. Consequently, the proposed development would provide adequate parking provision. Therefore, while it would conflict with LPR Policy 40 which relates to parking standards, it would not conflict with the PS. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, the lack of harm identified amounts to a material consideration to which I attach significant weight. Consequently, the lack of harm identified constitutes a material consideration of significant weight such that it outweighs the policy conflict in this regard. As such, this matter carries neutral weight.

Planning Balance

22. The Council is unable to demonstrate a five-year housing supply. As such, the tilted balance in the terms of paragraph 11(d) of the Framework is engaged.

23. 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 create places with a high standard of amenity for existing and future users. It therefore supports the general thrust of the development plan in these respects.

24. The scheme would contribute three additional dwellings to the local housing supply and future occupiers would be likely to provide social and economic benefit to nearby services and facilities. There would also be temporary economic benefits during the construction phase. Given the scale of development, I attribute limited weight to these benefits.

25. Consequently, given the harm to character and appearance and the living environment of future occupiers, 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

26. For the reasons given above, the appeal should be dismissed.

R Sabu

INSPECTOR