



Appeal Decision

Site Visit made on 10 August 2021

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th October 2021

Appeal Ref: APP/B1930/W/20/3264119

17 Woodstock Road North, St Albans AL1 4QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Forster against the decision of St Albans City Council.
 - The application Ref 5/20/1299, dated 15 June 2020, was refused by notice dated 20 November 2020.
 - The development proposed is the demolition of existing detached dwelling, garage and shed and construction of two semi-detached dwellings with new access arrangements.
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Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of existing detached dwelling, garage and shed and construction of two semi-detached dwellings with new access arrangements at 17 Woodstock Road North, St Albans AL1 4QB in accordance with the terms of the application, Ref 5/20/1299, dated 15 June 2020, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (EF/LP/1).
 - 5) The details pursuant to condition 1 shall include full details of i) detailed vehicle cross over plans; ii) visibility splays; iii) access arrangements and iv) parking provision.
 - 6) The details pursuant to condition 1 shall include drawings showing existing levels and proposed slab levels including the finished relationship with the adjoining buildings.
 - 7) Prior to any works affecting the roof or roof space which would take place, a bat presence/absence survey(s) shall be submitted to and

approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Applications for costs

2. An application for costs was made by Mrs E Forster against St Albans City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application was made in outline with all matters reserved for future consideration. I have considered the appeal on that basis and treated all plans as illustrative only.
4. A revised version of the National Planning Policy Framework (the Framework) was published by the Government on 20 July 2021. I have considered the appeal in light of this revised document, having first given the parties an opportunity to comment on its content.

Main Issue

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

Reasons

6. The appeal relates to a detached dwelling. The street contains a variety of house types, sizes, designs and plot widths. While the majority are detached there are still a number of semi-detached dwellings along the street. The grain of the street is quite loose, with gaps between houses of differing sizes. Most dwellings are set back behind drives and gardens, which helps create a sense of openness. The street scene is relatively verdant, with trees and hedgerows within some front gardens.
7. The appeal proposal is in outline only with all matters reserved. I must however be satisfied that there would be a reasonable prospect that a pair of semi-detached dwellings could be accommodated within the site without unacceptable harm being caused to the character and appearance of the area.
8. The reason for refusal refers to the principle of the removal of one detached dwelling. No policies which prohibit this form of development in principle have been put forward by the Council. While No 17 complements the existing varied character of the street, it is also not of such architectural or historic merit that its loss would have an unacceptable impact in principle. Although in the minority, semi-detached dwellings are also still a feature of the street scene. They are scattered along the street and the introduction of an additional pair in this location would not be so wholly out of character to be unacceptable in principle.
9. There is evidence to suggest that the plot width of the site is narrower than that of other semi-detached plots in the street. However, there is clearly no uniformity in the width of plots along the street for either detached or semi-detached units. The illustrative plans show dwellings that would clearly be narrower than the dwellings either side, and of a different design, particularly in relation to the roof profile. However, there is already no homogeneity in the design, scale or appearance of dwellings along the street. I am not persuaded that a narrower plot width than other examples equates to being too narrow to

accommodate an acceptable form of development. The plans provided are also illustrative only and what they show is not the only way in which the site could be developed. These factors do not therefore provide a basis on which to withhold planning permission.

10. Concerns have been raised that the development would inevitably mean the loss of the existing landscaped area and replacement with hardstanding. As layout and landscaping are reserved matters, it would be speculation to come to this conclusion. Nevertheless, there is great variety in the nature and appearance of front gardens along the street, some of which have been given over exclusively to parking and others which are more verdant. In this context, the potential for additional forecourt parking is also not harmful in principle.
11. Based on what I have before me, I cannot conclude with any certainty that a pair of semi-detached dwellings in this plot would inevitably constitute an unduly cramped or incongruous form of development. Moreover, I have seen nothing to suggest that any of the constraints on the site are insurmountable and could not be adequately considered or addressed through a reserved matters application.
12. In conclusion, the principle of replacing the existing dwelling with two semi-detached dwellings would not be unacceptably harmful to the character and appearance of the area. Accordingly, there would be no conflict with policies 2, 4, 69 or 70 of the St Albans District Local Plan Review (LPR)(1994). These seek, amongst other things, to ensure development protects the essential character of existing settlements and has regard to its setting and the character of its surroundings. I also see no conflict with the Framework, in particular paragraph 130, which includes provision to ensure development is sympathetic to local character.

Other Matters

13. The appellant is entitled to submit an outline application with all matters reserved and both the Council and I are required to consider the proposal on that basis. Speculation about the reasons or intent of the appellant in submitting such an application is outside the scope of the appeal and has no bearing on my decision. Similarly, any matters relating to the submission of reserved matters applications and implementation of any subsequent permissions are not matters for my consideration.
14. An outline application of this nature establishes only whether the principle of development is acceptable. Sufficient information was submitted for me to make my decision and I have seen nothing which suggests a proposal for a pair of semi-detached dwellings would be unacceptable in principle. My decision does not reduce the scrutiny that would be given to subsequent reserved matters applications.
15. As scale is a reserved matter, it is not necessary to stipulate how many bedrooms the proposed dwellings would provide. The Council will be able to fully evaluate the impact of development in terms of its effect on the character and appearance of the area, parking or any other aspect of the development which forms part of a reserved matters application.
16. Concerns have been raised about the potential amount of off-street parking that would be provided. However, scale and layout are reserved matters and

are thus not before me. It would not be possible to conclude with certainty that the development would result in unacceptable off-street parking provision and/or impacts on on-street parking, road safety or the efficient operation of the transport network.

17. While my observations can only represent a snapshot of normal transport conditions, there are traffic calming measures in place along the street, there was no evidence of inconsiderate or obstructive on-street parking and visibility in either direction would be good due to the long and straight nature of the road. I therefore saw nothing that would lead me to conclude that a marginal intensification in residential activity on the street would inevitably lead to unacceptable safety issues or severe transport problems. The Highway Authority also did not object to the proposal, which I consider to be a material consideration of significant importance.
18. In coming to this conclusion, I have regard to the comments from interested parties who consider the proposal fails to meet the requirements of Policy 40 of the LPR. There is dispute as to the status of this policy and the weight to be given to it. However, as the scale of the dwellings is not before me, then I cannot conclude that there is conflict with this policy in any event. I see no reason why this matter cannot not be adequately considered through a reserved matters application.
19. The introduction of a single additional dwelling would have little impact on vehicle emissions. While there would be some emissions associated with demolition of the existing dwelling, this is not so significant to warrant withholding planning permission. Similarly, there is no clear or substantive evidence to suggest the development would result in unacceptable harm in principle in relation to any other planning matters, including the living conditions of neighbours, biodiversity or drainage.
20. Although not referred to in their reason for refusal, the Council's appeal statement suggests a concern that the grant of permission would set a precedent for other similar developments. However, no directly similar or comparable sites to which this might apply were put forward. Each application and appeal must be determined on its own merits and a generalised concern of this nature does not suggest permission should be withheld.
21. The planning application and appeal have been accepted as valid and thus any concerns expressed about these matters have had no bearing on my decision.
22. The Council acknowledge that they cannot demonstrate a five-year supply of deliverable housing land as required by paragraph 68 of the Framework. On that basis, paragraph 11d of the Framework is triggered. This states that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. As I found no conflict with either the development plan or Framework, it follows that permission should be granted. There are no material considerations that would lead me to a different conclusion.

Conditions

23. I have considered the suggested conditions from the Council in accordance with the Planning Practice Guidance (PPG). In addition to the standard conditions

relating to the submission of reserved matters and the lifespan of the planning permission, I have imposed a condition specifying the relevant drawing as this provides certainty.

24. I have imposed a condition requiring the reserved matters application to include information relating to vehicle crossover points, visibility splays, access arrangements and parking provision in the interests of highway and pedestrian safety. I have also imposed a condition requiring the reserved matters to include details of floor levels and relative heights of buildings in the interests of the living conditions of neighbours. I have imposed a condition requiring a survey of the roof space before any works are progressed. This is an appropriate precautionary measure to ensure the protection of bats. I have amended some of the Council's suggested conditions in the interests of clarity and precision.
25. I have not imposed the suggested condition restricting permitted development rights. The PPG suggests such conditions may not pass the test of reasonableness or necessity. There is nothing unusual in the character of the site or relationship between dwellings which suggests permitted development rights need be removed as a matter of course. Any specific impacts on living conditions of future proposals can be assessed at the appropriate time. I therefore do not consider this condition to be necessary.

Conclusion

26. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR