



Appeal Decision

Site Visit made on 23 November 2021

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2021

Appeal Ref: APP/B1930/W/21/3278317

1 Sandridgebury Lane, St Albans AL3 6DD

- 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 Spencer Martin (Chequer Lane Developments) against the decision of St Albans City Council.
 - The application Ref 5/21/0964, dated 30 March 2021, was refused by notice dated 2 July 2021.
 - The development proposed is demolition of existing dwelling and construction of three detached dwellings with off-road car parking spaces.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Spencer Martin (Chequer Lane Developments) against St Albans City Council. This application is the subject of a separate Decision.

Main Issue

3. In light of the Council's refusal reasons and objections raised through the appeal process, the main issue is the development's effect on the character and appearance of the area.

Reasons

4. The appeal property is in a predominantly residential area where houses tend to face the road, lie side by side and have sizeable back gardens. A small backland cluster of houses called Petersfield lies off Harpenden Road, although this is an exception to the prevalent pattern of dwellings in the locality.
5. Proposed units 1 and 2 as shown on the appeal drawings would face the road and so would be clearly visible in the street scene. Unit 3 would be viewed from the road along the proposed driveway as well as from the rear windows and gardens of nearby properties.
6. Units 1 and 2 would continue the line of dwellings along Sandridgebury Lane. However, unit 3 would lie towards the rear of the site and behind the other houses. As such, it would not align with the general pattern of development but would be seen as an intrusion into the open area of back gardens. Moreover, as a single unit, it would be different in nature to Petersfield and it would not be easily viewed alongside this development given the intervening gardens. Also, whilst described as a chalet bungalow, it would be an unusually large building

in the context of its backland position amongst gardens. Therefore, it would be incongruous.

7. Furthermore, the scheme would lead to the sub-division of the site so that the proposed dwellings would be in plots smaller than most other nearby properties. Unit 2 would follow the spacing pattern of houses along the road in terms of its distance to the side boundary and there is no substantive evidence that shows the parking area would be of insufficient size. Even so, the proposal would appear relatively cramped in its context due to the position of unit 3 to the rear and the resultant plot sizes. From the information provided, I am not persuaded that new planting as well as existing trees would fully screen the development or address its visual impacts.
8. Compared to the existing dwelling, units 1 and 2 would be more in keeping with the style of other nearby houses. However, the benefits of the scheme in these regards fails to address or fully offset the harm that would be caused by the proposal's incongruity, particularly as the existing property is aligned with its neighbours on Sandridgebury Lane.
9. Therefore, I conclude the development would harm the character and appearance of the area. In these regards, it would not accord with policies 69 and 70 of the St Albans District Local Plan 1994 (LP). Amongst other things, these look to ensure development is of a high standard of design that takes into account its setting and the character of its surroundings. The Council's refusal reasons also refer to LP policies 39 and 40 although they include no provisions relevant to this main issue.

Other Considerations

10. The Petersfield development was allowed following an appeal in 1991. From the submissions, I am unsure of the factors that led to this decision but note that the development plan and national planning policy context has changed in the meanwhile. Also, I note the Council has recently allowed a residential scheme at 232 London Road but this appears to be a larger scheme and I have little information on the reasons for that permission. As such, I am not bound to follow these other decisions in my assessment of this appeal.
11. The Council advise that it is unable to demonstrate a 5 year supply of housing land as required by the National Planning Policy Framework (the Framework). In such circumstances, development plan policies which are most important for determining the appeal are deemed out of date. Therefore, it is necessary under the terms of paragraph 11 d) of the Framework to assess any adverse impacts of the proposal against its benefits.
12. The scheme would conflict with the Framework policies that seek to ensure development adds to the overall quality of an area and are sympathetic to local character. As such, it would not be good design and it would be at odds with a key aspect of sustainable development. I attach significant weight to the harm caused in these regards.
13. While it would be seen from adjoining properties, I am satisfied the proposal has been designed to avoid unacceptable harm to the living conditions of occupants of neighbouring residences in terms of outlook, access to light, privacy and noise. This is a neutral factor in my assessment.

14. The proposal would provide appropriate living conditions for its occupants. Also, it would be located to enable residents to travel by foot and public transport to facilities. It would create employment opportunities and future occupants are likely to support local services. Given the scale of the development, these advantages attract modest weight.
15. As a small scheme, it is likely the proposal could be delivered quickly. Also, the Council can only demonstrate a 2.4 year supply of housing land, a significant shortfall against the 5 year requirement. As such, I attach notable weight to the benefits of 2 additional houses as a result of the proposal.
16. However, I find the detriment that would be caused to the character and appearance of the area is the overriding factor. The harm would significantly and demonstrably outweigh the benefits of the scheme when considered against the policies of the Framework. Therefore, the presumption in favour of granting permission as set out at paragraph 11 of the Framework does not apply.

Conclusion

17. For the above reasons, I conclude the proposal would conflict with the LP when read as a whole. Also, there is insufficient justification to determine the appeal other than in accordance with the development plan. As such, the appeal is dismissed.

Jonathan Edwards

INSPECTOR