



Appeal Decision

Site Visit made on 14 December 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th January 2022

Appeal Ref: APP/B1930/W/21/3274283

17 Hazelmere Road, St Albans, AL4 9RU

- 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 Mr David Norris against the decision of St Albans City Council.
 - The application Ref 5/21/0286, dated 1 February 2021, was refused by notice dated 22 April 2021.
 - The development proposed is described as "Extension and redevelopment of existing detached dwelling to create two semi-detached dwellings, 1 no. 4-bed with a new vehicular access and 1 no. 3-bedroom using the existing access."
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Decision

1. The appeal is allowed and planning permission is granted for extension and redevelopment of existing detached dwelling to create two semi-detached dwellings, 1 no. 4-bed with a new vehicular access and 1 no. 3-bedroom using the existing access at 17 Hazelmere Road, St Albans, AL4 9RU in accordance with the terms of the application, Ref 5/21/0286, dated 1 February 2021, subject to the conditions set out in the attached schedule.

Applications for costs

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

Preliminary Matters

3. Planning permission is sought in outline only, with all matters reserved other than access. All plans showing any other details have therefore been treated as indicative only.
4. The Government released a revised National Planning Policy Framework in July 2021. The main parties have had the opportunity to comment on these revised documents.

Main Issue

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

Reasons

6. The appeal site comprises a corner plot in a predominantly residential estate. Surrounding houses are two storeys in height, although there is variety in the scale of houses and ridge heights, together with varying extensions to individual properties. The appeal site is one of four corner plots on Hazelmere

Road addressing the junctions with adjoining roads. Nos 15 and 23, which occupy two of those corner plots, have been extended at the side facing the adjoining roads.

7. The host property has a higher ridgeline than that of neighbouring houses, and because of its relatively open frontage addressing two roads it is prominent in the surrounding area. An adjoining two-storey house would also be prominent, even if the ridgeline were lower than that of the existing house, and there would be limited space for soft landscaping to provide screening. However, the plot is wide and the extensions to other corner houses in the street show that such development can be accommodated in principle without harm to the character and appearance of the area.
8. The Council seeks 80 square metres of amenity space for a three bedroom house. However, Policy 70 of the St Albans Local Plan 1994 (the LP) states that gardens may be smaller where there is public open space nearby. The site is close to open spaces, and therefore a lower amenity space provision is acceptable in principle.
9. Policy 70 also seeks a minimum space of three metres between areas with public access and elevations with windows to habitable rooms at ground floor level. A space of two metres is suggested between the flank elevation of the proposed house and Chandlers Road. Two ground floor windows are indicated in this elevation, but I am mindful that the submitted plans are indicative only, and the windows as shown would be secondary windows to the kitchen/dining room. I am satisfied that an acceptable design can be developed at reserved matters stage for a house on this site that would not have a shortfall in defensible space.
10. The appeal proposal would not therefore be harmful to the character and appearance of the surrounding area. It would accord with the criteria of Policies 2, 4, 69 and 70 of the LP which include that development protect and enhance the essential character of existing settlements and that development have an adequately high standard of design.

Other Matters

11. I note the concerns of interested parties regarding the siting of the proposed access near to the junction and the school opposite the appeal site. However, neither the Council nor their Highways consultee have raised any highway safety concerns regarding the location of the access. I see no reason to disagree with this as the site is located on a straight road and the access would be an acceptable distance from the junction.
12. The proposed development would provide four parking spaces for the existing and proposed houses. The Council has not objected to this level of parking, and I see no reason to conclude otherwise.
13. Concerns regarding compliance with planning conditions are noted, but the Council would retain control over the development, and would be able to take appropriate action to ensure compliance with any conditions on this permission or any subsequent reserved matters permission.

Conditions

14. I have considered the conditions suggested by the Council in light of the National Planning Policy Framework (the Framework) and national Planning Practice Guidance (the PPG). Where necessary I have amended the wording of the conditions to reflect the Framework and PPG more closely. I have imposed the standard conditions relating to submission of the reserved matters and commencement of the approved development, and a condition specifying the approved plans for the sake of certainty.
15. As the host dwellinghouse is the tallest in the vicinity of the appeal site, a condition establishing the relationship between the levels of the proposed and existing houses is necessary and reasonable.
16. Given that the scale and layout of the proposed dwellinghouse are reserved matters, I cannot conclude that a condition restricting its future permitted development rights would pass the tests of reasonableness and necessity.
17. Details of external materials and landscaping fall to be considered as reserved matters. Separate conditions addressing these are not therefore required.

Conclusion

18. For the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR

Schedule of conditions for appeal ref: APP/B1930/W/21/3274283

17 Hazelmere Road, St Albans, AL4 9RU

- 1) Details of the 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: DN/PBP/1 Revision B (in so far as it relates to access) and DN/LP/1.
- 5) The development hereby permitted shall not be commenced until drawings showing existing levels and proposed slab levels including the finished relationship with the adjoining building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

End of schedule