



Appeal Decision

Site visit made on 25 January 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2022

Appeal Ref: APP/B1930/W/21/3282309

169 Watling Street, Park Street, St Albans AL2 2NZ

- 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 & Mrs I & T Fisher against the decision of St Albans City & District Council.
 - The application Ref 5/21/0783, dated 16 March 2021, was refused by notice dated 3 June 2021.
 - The development proposed is demolition of detached garage and erection of new four bedroom 2 storey dwelling
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effects of the proposal on the living conditions of the occupiers of 169a Watling Street, with regard to outlook.

Reasons

3. The development proposed is the erection of a new dwelling on the southern part of the garden of 169 Watling Street following the demolition of the existing garage. The proposed dwelling would be sited north of 169a Watling Street close to the boundary between the properties.
4. The dwelling is designed to face east and west, with the two-storey southern elevation running the length of the neighbouring garden, as far as its garage.
5. No 169a has a small east-facing rear garden, with a garage and parking area beyond it. Its other neighbour, 169b Watling Street, has a similar rear garden enclosed on all sides by an imposing hedge around 3m in height on the shared boundary. The openness of No 169a's northern and eastern aspects contribute positively to outlook from the house and garden.
6. No 169a also has an enclosed front garden. To the north, two large trees, in the grounds of No 169, are located slightly forward of the dwelling and in close proximity to it. To the south, tall hedgerows around No 169b's front garden also create a sense of enclosure. As a result, the openness of its rear aspect and garden therefore has a significant role in providing a suitable outlook for the occupiers No 169a.
7. The proposed dwelling would be in close proximity to the boundary with No 169a. Furthermore, its two-storey southern elevation would rise substantially above the boundary fence and extend almost the full the depth of No 169a's

rear garden. As a consequence, the dwelling would represent an oppressively overbearing feature that would unacceptably dominate the outlook from the rear garden and windows in the rear elevation of No 169a.

8. The existing garage on the appeal site is a single storey hipped roof building located adjacent to the rear of No 169a's garden. From No 169a's rear garden only its roof is visible and it has little impact on the sense of openness along the boundary. I also note the boundary between the properties is not entirely straight, and therefore the rear of the proposed dwelling is slightly further from the boundary, but this has only a marginal effect on the relationship between the proposed and neighbouring properties.
9. I have not seen a survey plan to establish the relative heights of the proposed dwelling conclusively, but note the height of the land varies across the site and elements of the proposed dwelling would be excavated into the land with use of a retaining wall. While these measures are required to accommodate the varying ground levels of the appeal site, they would not adequately mitigate the unacceptable loss of outlook from No 169a.
10. I therefore find the proposed development would significantly harm the living conditions of occupiers of No 169a and would therefore conflict with saved Policies 69 and 70 of the City and District of St Albans District Local Plan Review (1994), which relate to design and layout and new housing, and with the aims of Section 12 of the National Planning Policy Framework.

Other Matters

11. The Council acknowledges that it cannot demonstrate a five-year housing land supply. Therefore, although no specific data has been submitted by either party regarding the extent of the shortfall, paragraph 11(d) of the Framework applies.
12. The proposed development, for a single dwelling, would only make a very marginal contribution towards addressing the shortfall, attracting limited weight in favour of the development.
13. I also note the appellants consider the appeal scheme to be preferable to an alternative scheme with planning permission in terms of internal layout and size, aesthetics of the design, cost, environmental cost, and the amount of excavation required. Based on the evidence before me, in comparison to the approved dwelling, these benefits would be limited.
14. Weighing the harm and benefits identified above, I therefore consider the adverse effects in relation to the living conditions of the adjoining dwelling would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

15. For the above reasons, having regard to the development plan as a whole, the approach in the Framework, and all other relevant considerations, the appeal is dismissed.

Peter White

INSPECTOR