



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: 21 March 2022

Appeal Ref: APP/B1930/W/21/3280882

316 Hatfield Road, St Albans AL4 0DU

- 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 Messrs. Rory & Andrew Young against the decision of St Albans City & District Council.
 - The application Ref 5/20/3016, dated 11 December 2020, was refused by notice dated 7 April 2021.
 - The development proposed is demolition of rear extension, garage and outbuildings and construction of one single dwelling with associated parking. Follow-up application to previous proposal ref. no 5/20/1328.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development is a revised proposal, following refusal by the Council and dismissal at appeal¹ of a scheme for two dwellings.
3. However, after submission of this appeal the Council granted planning permission (Ref No. 5/21/2920) for a new dwelling of a different design. I have taken account of that permission, having considered the comments of the appellant and the Council in that respect.

Main Issues

4. The main issues are: the effect of the proposed development on (i) living conditions of occupiers of 316 and 318 Hatfield Road, with particular regard to outlook; and (ii) the character and appearance of the area.

Reasons

Living conditions:

5. The appeal site is the land to the rear of 316 Hatfield Road, which runs along Ashley Road opposite Ashley Church, and parallel to the rear garden of the adjoining dwelling 318 Hatfield Road. The part of the land closest to No 316 is its rear garden; the planning status of the area beyond is disputed, with the Council considering it to be residential land associated with No 316, and the appellant considering it to be a former commercial use.

¹ Appeal Decision APP/B1930/W/20/3263976

6. In relation to 316 Hatfield Road, the existing dwelling on the appeal site benefits from lawn and patio areas at the front and side of the dwelling. The proposed removal of the rear extensions and provision of a rear garden of just over 4m would maintain adequate outside areas for the existing dwelling comparable in size to others in the area. It would also provide an area of a similar size to that approved in relation to the recent planning permission for the alternative scheme.
7. The appeal proposal would bring some sense of enclosure of No 316's rear garden due to the proximity of the neighbouring dwelling at No 318 to the east and the new boundary fencing between No 316 and the proposed dwelling. However, the western aspect of the appeal site would remain open and the distance between the properties, and the relatively narrow profile of the end elevation of the proposed dwelling, mean the living conditions of occupiers of No 316 would not be harmed.
8. The neighbouring property at No 318 currently benefits from a relatively open aspect to the west, over the appeal site. In contrast to that openness, a sense of enclosure is generated by trees along the rear part of its eastern boundary and the significant mass of the gable end of 1a Ashley Road beyond its southern boundary.
9. The proposed dwelling would be sunken into the ground and set back from the boundary. However, it would dominate the western aspect from No 318's rear-facing ground floor windows and would be an imposing and substantial mass close to the garden of No 318. Together with No 1a it would largely enclose No 318's garden's southern and western sides, significantly changing its character. The relatively low proposed height for a two-storey dwelling would limit the effect on light to the neighbouring garden, but would not overcome the massing effects of the development on outlook.
10. In comparison, the recently approved scheme would run along a slightly shorter length of the garden, and would benefit from a lower eaves height, being seen just above the boundary fence. From the garden of No 318, the perspective of the recently approved development would predominantly be of a roof sloping away from the boundary, as opposed to the higher eaves height and greater perceived mass of the appeal proposal. From No 318 the appeal scheme would therefore have a greater impact than the approved scheme in terms of its mass and height close to the boundary.
11. In conclusion, despite not finding harm to the living conditions of occupiers of No 316, the proposed development would harm the living conditions of the occupiers of No 318, with particular regard to outlook. It would therefore conflict with Policies 69 and 70 of the City and District of St Albans District Local Plan Review (1994) (Local Plan), which relate to design and layout and new housing, and with the aims of Section 12 of the National Planning Policy Framework (the Framework) on achieving well-designed places.

Character and appearance:

12. The appeal site is in an area of mixed residential character, with Ashley Church opposite. Houses on the eastern side of Ashley Road, including the house at No 1a which was allowed at appeal, follow a clear building line behind street trees and short driveways. The existing dwelling at No 316 follows the building line on Hatfield Road.

13. The Inspector for the previous appeal considered a similar, but larger, scheme to that proposed. In that case, the Inspector found the scheme's appearance would not in itself harm the character and appearance of the area, given the mixed character of the area, and that must also be the case for the current proposal which is of a similar appearance.
14. That Inspector went on to find unacceptable harm to the character and appearance of the area on the basis of size and siting, due to that proposal substantially filling the space between No 316 and No 1a, and resulting in a cramped overall appearance. Changes have been made to the width of the proposed building, which now sits in a more spacious site frontage, although it remains forward of the Ashley Road building line. Changes have also been made to overall size of the proposed building which would be the lowest building in the area.
15. The recently approved scheme on the site would be sited forward of the Ashley Road building line, and also forward of No 316 as it relates to Ashley Road. The approved dormer-bungalow style dwelling would have a low eaves height, and to some degree reflect aspects of the style of the church building opposite. The proposed dwelling would be sited marginally further back, but not behind or consistent with the existing building line along Ashley Road. It would be slightly longer and would appear higher than the recently approved dwelling, due to its shallow roof design.
16. Therefore, having accepted building forward of the existing building line, considering the general acceptability of the scheme's appearance, and the reduced size of the building on the plot, in my view the proposal would not be visually dominant in the streetscene.
17. In conclusion, the development would not harm the character and appearance of the area and would accord with Local Plan Policies 69 and 70, and with the aims of Section 12 of the Framework, as set out above. This matter is therefore neutral when weighing the considerations below.

Weighing the considerations:

18. The appellant alleges that the Council's Local Plan is out of date by reason of its age. Paragraph 219 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication, and that due weight should be given to them according to their degree of consistency with the Framework. I have been given little information relating to the degree to which the specific policies relevant to this appeal are consistent with the Framework.
19. Nevertheless, the Council acknowledges that it cannot demonstrate a five-year housing land supply, and the appellant states the most recent figures show a housing land supply of only 3.4 years. Therefore, paragraph 11(d) of the Framework applies.
20. In favour of the development, the proposal would contribute one additional residential unit to housing land supply locally and nationally in an accessible location, relative to services and facilities and alternative means of transport. Section 11 of the Framework acknowledges the contribution small and medium sized sites can make in meeting housing requirements. However, even as a windfall site available now, the proposed development for a single dwelling

would only make a very marginal contribution towards addressing the shortfall, and in any event, planning permission has already been granted for a new dwelling on the site.

21. Limited weight can also be given to other matters including the appellant's intention for the proposal to achieve to achieve Passivhaus standard of energy efficiency; meeting the Nationally Described Space Standards; the absence of an objection from the Council to the principle of housing in this location, subject to compliance with other planning policies; efficient and effective use of urban land; and the extent to which building on the appeal site would avoid the need for incursion into the countryside and the Green Belt to build new housing. Together the benefits identified above attract moderate weight in favour of the development.
22. Having found that the proposal would not harm the character and appearance of the area, that matter is of neutral weight in the planning balance. As the appellant and the Council do not agree as to whether parts of appeal site are residential or commercial, and I have not been made aware of any evidence demonstrating its lawful use, I am unable to attribute weight to use of previously developed land.
23. However, weighing the harm identified in relation to the first main issue and the benefits above, I consider the adverse effects in relation to the living conditions of the adjoining dwelling at No 318 would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Accordingly, the appeal proposal would not represent sustainable development.

Other Matters

24. Concerns have also been expressed by interested parties about the design and appearance of the proposed dwelling; highway safety; daylight and sunlight to No 318; privacy effects on No 316; access to the private parking area for Nos 318 and 320; and property values. As I am dismissing this appeal for other reasons, I have not dealt with these matters further

Conclusion

25. 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