



Appeal Decision

Site visit made on 14 January 2022

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2022

Appeal Ref: APP/B1930/W/21/3274578

Land rear of 199-201 Hatfield Road, St Albans, AL1 4LJ

- 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 SST Building & Development Ltd. against the decision of St Albans City & District Council.
 - The application Ref 5/21/0339 dated 5 February 2021, was refused by notice dated 22 April 2021.
 - The development proposed is described on the application form as "Erection of a single detached 3-bedroom dwelling".
-

Decision

1. The appeal is dismissed.

Procedural matter

2. Since the appeal was submitted, a revised version of the Framework¹ has been published. The appellant was given the opportunity to comment on this and I have taken their response into account. It was not necessary to consult the Council in respect of the revised Framework as it had ample opportunity to refer to this in its appeal statement, which was submitted after it was published.

Main issue

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

Reasons

Appeal site context

4. The appeal site fronts onto Woodstock Road South, which is comprised of traditional 2½ storey semi-detached Victorian/Edwardian housing to its eastern side and the Fleetville Infant & Nursery School on its western side. To the south of the appeal site lies a retail frontage facing onto the busy Hatfield Road (the A1057).

Character and appearance

5. The area's sense of place is derived from the attractive Victorian/Edwardian housing on the eastern side of the road ('the existing housing') and as a

¹ National Planning Policy Framework, Ministry of Housing, Communities and Local Government, July 2021.

consequence, I consider the appellant's design strategy² of incorporating this architectural character into the appeal scheme to be appropriate.

6. Although the proposed dwelling seeks to maximise use of the plot, I would not consider this to be out of character with the urban grain of existing housing, which is characterised, amongst other things, by narrow front elevations and close proximity to site boundaries. I am therefore satisfied that the built footprint of the scheme does not in itself constitute overdevelopment of the site.
7. However, the proposed dwelling would have a noticeably larger side elevation gable depth than the existing housing, which is shallower with rear outrigger projections. As a consequence, the scheme would have a disproportionately large roof mass and side gable when compared with the height of the front elevation wall-plate, which would also be out of character with the more modest roof proportions of the existing housing. This harmful impact would be intensified by the scheme's publicly visible position in the road, directly adjacent to the open car park of the Fleetville Infant & Nursery School to the north.
8. Furthermore, the scheme's narrow front elevation width, when viewed in conjunction with its roof mass and height, would give the dwelling a tall & narrow vertical character, in direct conflict with the horizontal emphasis of the existing housing, where semi-detached properties lie in close proximity to each other and create the impression of a wider terrace of more limited height.
9. The scheme also incorporates a 'Dutch-gable' roof³ that would be wholly out of keeping with the existing housing, which is characterised by traditional gable roofs. This harm would be intensified by the absence of other traditional architectural features from the existing housing, such as large-oversized chimneys, stone lintels above the first floor windows, stone cills, historically appropriate & correctly proportioned sash windows in the prevailing style, Flemish bond brickwork and a slate roof. The scheme also appears to incorporate details not found on the existing housing such as vertical brick lintels above some of its windows, and the use of bargeboards to the side elevation gable (as opposed to the prevailing use of clipped verges to side elevation gables).
10. I recognise that the western side of the road is different from its eastern side and therefore gives more flexibility to the scheme's parameters, but this does not mean that it should not pay respect to its contextual surroundings. Although respect for context does not require pastiche solutions, it does require an integrity of design of spaces and buildings with a clear sense of place. In this respect, I do not consider the scheme before me to represent a faithful adherence to traditional precedents in keeping with the character of the area, or a new modern distinctive design that would add to the richness of the existing architectural context and reinforce the area's sense of place.
11. I recognise that the appellant utilised a Dutch gable roof to protect light and outlook from neighbouring properties on Hatfield Road, but am satisfied that could be achieved in a more appropriate visual manner, such as via a shallower side gable with indented rear outrigger, or designing a scheme where the gable

² Design and Access Statement dated January 2021.

³ A gable roof which incorporates small hipped roof elements at the ridgeline.

fronts onto the road with the roof ridgeline running from front to rear (which is not uncommon on Victorian and Edwardian properties).

12. In view of the above, I conclude that the dwelling would cause significant harm to the character & appearance of the area. The proposal would therefore conflict with Policies 69 and 70 of the Local Plan⁴, which collectively seek, amongst other things, to ensure that developments take into account the character of an area.
13. I also find that the scheme conflicts with Paragraph 130 Framework, which seeks, amongst other things: (a) development that is visually attractive and sympathetic to local character; and (b) schemes that maintain a strong sense of place.

Planning balance

14. Although the Local Plan is over 5 years old, 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 the publication of the Framework and that due weight should be given to them according to their degree of consistency with the Framework.
15. Policies 69 and 70 of the Local Plan are broadly consistent with the Framework insofar as they relate to the main issue of this case. As a consequence, I am satisfied that these policies are up to date for the purposes of this appeal and that the proposal conflicts with the development plan when taken as a whole.
16. The appellant has emphasized their attempts to address concerns raised in the pre-application enquiry and those relating to the previous scheme dismissed at appeal⁵ by reducing the scale of the proposed dwelling. However, this does not overcome the harm identified above and I must consider the appeal scheme on its own merits.
17. I recognise the appellant's frustrations regarding the final decision being contrary to the officer recommendation and pre-application advice, but Council Members are not obliged to follow the recommendations of professional officers, provided they have sound planning reasons and grounds not to do so. In this case, I agree with Members' appraisal of the scheme's design, aside from the additional architectural deficiencies I have identified.
18. I agree with the appellant that the existing garage outbuilding is of no architectural merit and does not make a positive contribution to the character of the area. However, it is of a small scale and limited height, and does not result in the same significant harm that the appeal scheme would give rise to.
19. The Council has confirmed that there is a shortfall in the District's 5-year housing land supply and I have also noted that the delivery of housing was substantially below the housing requirement over the previous three years⁶. This means that the Framework's presumption in favour of sustainable development applies.

⁴ St Albans District Plan, City and District of St Albans District Local Plan Review, Adopted 30 November 1994, Written Statement.

⁵ APP/B1930/W/20/3251640.

⁶ 2021 Housing Delivery Test.

20. The scheme is a suitable windfall site within an existing settlement for a home, which I have given great weight to in accordance with paragraph 69 of the Framework. It would also result in the reuse of a brownfield site, which I have given substantial weight to in my consideration in accordance with Paragraph 120 of the Framework, and constitute an effective & efficient use of under-utilised land at an appropriate density as supported by Paragraphs 119, 120, 124 and 125 of the Framework.
21. I also recognise that the scheme would result in economic and social benefits from; - (a) a quickly-deliverable contribution towards the Council's 5-year housing land supply; (b) future occupiers contributing to the vitality and viability of shops, services, facilities, businesses and community organisations in the surrounding area; and (c) local employment during construction. However, given the small size of the development in terms of housing units, I consider these benefits to be of limited value and that the adverse impacts of the scheme would significantly and demonstrably outweigh these, when assessed against the policies in the Framework when taken as a whole.
22. In view of the above, I conclude that the proposal does not accord with the development plan and that other material considerations do not indicate that the proposal should be determined other than in accordance with this.

Conclusion

23. All representations have been taken into account, but no matters, including the benefits of the development and the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR