



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: 29th March 2022

Appeal Ref: APP/B1930/W/21/3284816

45 Hatfield Road, St. Albans, Herts

- 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 M Farooq Baig against the decision of St Albans City & District Council.
 - The application Ref 5/21/1558, dated 20 April 2021, was refused by notice dated 19 August 2021.
 - The development proposed is a single storey bedsit to rear garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for this appeal are the effects of the development on the character and appearance of the area, including the St. Albans Conservation Area and the host property, which is a locally listed building; and the living conditions of future occupiers of the development, having regard to the amount of internal and external space.

Reasons

Character and appearance:

3. 45 Hatfield Road is a locally listed building and forms part of a terrace of four properties comprising commercial shop units at ground floor and residential flats above. 41-47 Hatfield Road, the neighbouring terrace 49-55 Hatfield Road, and other properties in the vicinity of the appeal site, are within the St. Alban's Conservation Area (the Conservation Area) and are also locally listed buildings.
4. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be given to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
5. The significance of the Conservation Area is the character of the buildings associated with the expansion of the built area of St. Albans into farmland east of the railway in the late 19th Century, and the significance of the locally listed building as one of those buildings.
6. The appeal site is part of a yard to the rear of a late 19th Century red brick building with clay tile hanging at first floor, tiled roof, half-timbered gables, and large chimneys. As seen from Hatfield Road, much of the historic character of the terrace remains intact with the exception of modern shop fronts on the ground floor and uPVC windows on the front façade.

7. At the rear of the terrace a substantial outbuilding with a low-pitched roof has been constructed in the yard of No 47 and small extensions have been added to No's 43 and 45. No 41 has a flat-roofed extension, albeit small in comparison to the proposed development. Nevertheless, the character of the original terrace can still be seen from the private yards of these properties, and to a degree from houses and gardens beyond them.
8. The proposed development is a large flat-roofed single-storey extension of a design and scale wholly different to that of its host building. At 7m long, the full width of its plot, and 3.1m high it would be longer, wider, and higher than any other flat roof extension on the terrace or in this part of the Conservation Area. It would significantly exceed the height of the eaves of, and be more obtrusive than, the adjacent outbuilding at No 47 which has a low eaves height and a pitched roof.
9. The layout of plots in the immediate area creates a close relationship between the terrace containing the appeal site and dwellings of a similar age and style on Clarence Road. At the time of my visit there was filtered intervisibility between the appeal site and the rear elevations of several dwellings through deciduous trees not in leaf, and that would be the case for several months each year. In addition, two large coniferous trees in gardens at the end of the appeal site currently provide substantial screening from other dwellings and their gardens at present, but may not do so for the lifetime of the development.
10. Therefore, although it is not seen from Hatfield Road or from other public areas, the rear of the appeal site and the terrace contribute positively to the character of the Conservation Area. Irrespective of the external materials used in the development, the length, height, and width of the proposed flat roof extension would be harmful to the character of its host building and the Conservation Area.
11. In considering this harm, consideration should also be given to the scale and amount of development to the east. Developments at 49 to 67 Hatfield Road are of a different character and are not within the Conservation Area. Development at the rear of the neighbouring terrace, 49 to 53 Hatfield Road, is of a greater scale, density and plot coverage, but that terrace sits within a different, more developed, context. The land adjoining it is now a car park, the former farmhouse is now a club, and beyond to the rear are converted single and two-storey early 19th Century former St Peter's Farm buildings. Within this setting, planning permission has recently been granted at the rear of No 49/51 and No 53 for large two-storey mansard roof structures containing independent residential units. In each of these cases the Council concluded the developments would preserve the character and appearance of the Conservation Area. The planning permission at No 53 was for the addition of a mansard roof on an existing extension. Whilst the planning permission at No 49/51 was for the addition of a two-storey annexe, this partly encompassed the existing first floor level terrace. Consequently, they are not directly comparable to the proposal before me.
12. The proposed development therefore sits in a location where it will not be seen from public areas but where the building nevertheless contributes to the character of the Conservation Area and its significance. At the same time, this significance and the setting of this locally listed building is harmed by existing development adjacent to the appeal site. Nevertheless, the proposed

development would be of a scale and design which would materially harm the character of the locally listed building and dominate the rear yards of its host terrace, further harming, and therefore failing to preserve or enhance, the character or appearance the Conservation Area.

13. In my judgment, the proposal would cause less-than-substantial harm to the Conservation Area contrary to the expectations of section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
14. Under paragraph 202 of the National Planning Policy Framework (the Framework) this harm to the significance of the St Albans Conservation Area must be weighed against the public benefits of the proposal, and the harm to the non-designated heritage asset must therefore be taken into account having regard to the scale of the harm and the significance of the Locally listed building.
15. In favour of the development, the proposal would contribute one additional residential unit to housing land supply locally and nationally in an accessible location. The Framework acknowledges the contribution small and medium sized sites can make in meeting housing requirements, but 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. Only very limited weight can be given to other matters including the mixed commercial and residential use of the wider site, which is already occurring, the absence of an objection from the Council to the principle of housing in this location subject to compliance with other planning policies, making effective use of land taking into account the desirability of maintaining an area's prevailing character and setting, and under-utilisation of the site, if that is occurring. The appeal site is not previously developed land, as it has not previously been developed. Together these public benefits identified above attract limited weight in favour of the development.
16. Against this background, I consider that the public benefits would not be sufficient to outweigh the less than substantial harm that I have identified, giving considerable weight and importance to paying special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
17. For the reasons above I consider the development would be harmful to the character and appearance of the Conservation Area and the locally listed building. As such, the development would conflict with saved Policies 69, 70, 85 and 87 City and District of St Albans District Local Plan Review (LPR) 1994, which relate to design and layout, new housing, Conservation Areas and locally listed buildings, and to the aims of Chapters 12 and 16 of the National Planning Policy Framework (the Framework).
18. I agree with the parties that Policy 72 does not apply to this appeal, as it relates only to extensions to dwellings.

Living Conditions:

19. The Council refer to the Government's Technical Housing Standards, which state a 1 bed dwelling should have a Gross Internal Area (GIA) of at least 39 sqm, but the Council have not adopted these standards in a development plan policy. The development would measure 7m long, and would be the full width

of the plot, around 4.4m, which the Council states would provide a GIA of approximately 25 sqm, and approximately 13 sqm of external space. The Council consider the national standards provide a good indication of the amount of internal space required to avoid harmful living conditions, but I note that the Council have granted consent for a flat of 28.4 sqm GIA at No 53 within the last 12 months.

20. The Council's "Design Advice Leaflet No 1: Design and Layout of New Housing" does not set a minimum GIA, but adopts a minimum "amenity space" of 15 sqm for bedsits, and 20 sqm for flats. I consider the proposal to be a bedsit, as described by the appellant and shown on the plans, rather than a flat as described by the Council. The proposed 13 sqm is therefore not significantly different to the 15 sqm advised in the Council's Design Advice leaflet. I also note that there is very limited external space available for occupiers of the residential units to the rear of No's 47, 49/51 and 53, and that Clarence Park is close to the appeal site and provides formal and informal open space open to the public, albeit not 24 hours a day.
21. In conclusion on this issue, considering the similar standards of amenity of other residential units nearby that the Council have recently deemed to be acceptable, the living conditions of future occupiers of the development would be acceptable in relation to the amount of internal and external space available. The development would accord with Policy 70(ix) of the Local Plan, which relates to the design and layout of new housing.

Other Matters

22. The main parties agree that the Council cannot demonstrate a five-year housing land supply, although no specific data has been submitted regarding the extent of the shortfall. Paragraph 11 of the Framework therefore applies. However, the harm to the Conservation Area provides a clear reason for refusing the development proposed, in accordance with paragraph 11 d)i. As such, paragraph 11 d)ii is not engaged.
23. The proposal would contribute one additional residential unit to housing land supply locally and nationally in an accessible location. The Framework acknowledges the contribution small and medium sized sites can make in meeting housing requirements, but 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. Only very limited weight can be given to other matters including the mixed commercial and residential use of the wider site, which is already occurring, the absence of an objection from the Council to the principle of housing in this location subject to compliance with other planning policies, making effective use of land taking into account the desirability of maintaining an area's prevailing character and setting, and under-utilisation of the site, if that is occurring. The appeal site is not previously developed land, as it has not previously been developed. Together the benefits identified above attract limited weight in favour of the development.
24. Having found that the proposal would not harm the living conditions of the future occupiers, that matter is of neutral weight in the planning balance.

25. Individually or cumulatively, I do not find that the benefits identified above outweigh the harm the proposal would have to the Conservation area or the locally listed building.

Conclusion

26. 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