



Appeal Decision

Site visit made on 24 March 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 12 May 2022

Appeal Ref: APP/B1930/W/21/3284974

8 Cumberland Close, Pimlico, Hemel Hempstead HP3 8SL

- 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 G Jonas against the decision of St Albans City Council.
 - The application Ref 5/21/0974, dated 30 March 2021, was refused by notice dated 11 June 2021.
 - The development proposed is the conversion of existing dwelling into two dwellings, new porch canopy and alterations to openings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development would be located within the Metropolitan Green Belt. It is common ground that it would primarily comprise the re-use of existing buildings which would not harm the openness of the Green Belt. On this basis, the proposal would not be inappropriate development in the Green Belt. There is no compelling reason before me to disagree.
3. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded. I am satisfied that the updates to the Framework do not materially affect its content insofar as it is relevant to the main issue of this appeal. I have therefore determined this appeal with regard to the current version, published in July 2021.

Main Issue

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

Reasons

5. The appeal property is a two-storey semi-detached dwelling, located at the end of a quiet cul-de-sac. It is typical of the other houses along the road, which are mostly semi-detached and broadly similar in terms of size and design. These shared characteristics are amplified by a clear symmetry between each of the individual pairs of houses, which in turn establishes an attractive and coherent rhythm to the built form along the road. The houses typically benefit from generous open frontages and extensive back gardens, which also gives the cul-de-sac a distinct sense of space and openness, which further contributes to its prevailing character.

6. The proposed development would sub-divide the appeal property into two separate dwellings. Each of the new dwellings would have a significantly narrower frontage than the attached neighbouring property, which would lead to a significant mismatch between the houses in terms of size and scale. This imbalance would severely undermine the existing symmetry between the existing pair of semi-detached dwellings, which would harm the prevailing sense of uniformity along the road.
7. This impact would be further exacerbated by the proposed parking arrangement for no. 8, which would extend across its entire frontage. Its frontage would therefore be dominated by parked vehicles, which would appear discordant with the spacious and verdant frontages which typify other houses along the road.
8. The proposed sub-division would also leave no. 8 with an uncharacteristically small rear garden, which would jar with the substantial rear gardens which typify neighbouring properties along the road. Whilst I acknowledge this wouldn't be visible from the road, the development would nonetheless undermine the sense of space and openness which characterises external amenity space in the area.
9. For these reasons, the development would harm the character and appearance of the area. It would conflict with Policies 69 and 70 of the St Albans District Local Plan Review (1994)¹ (Local Plan), which require new development to achieve high quality design, which responds properly to the scale and character of its surroundings in terms of size, scale and density.

Other Matters

10. Caselaw² is clear that any fallback must have a real prospect of being implemented before it can be considered material to determination of an application. In this instance, the proposed change of use to a House in Multiple Occupation (HMO) appears to be theoretical fallback, rather than a legitimate intention of the appellant. Without evidence to the contrary, this therefore only carries very limited weight in my decision. In any event, the impact of any change of use to an HMO would be materially different to the proposed development. This is because the harm identified above primarily concerns the sub-division of the property, which would not necessarily be required for a change of use to an HMO.
11. The Council cannot demonstrate a five-year supply of deliverable housing land, so paragraph 11(d)(ii) of the Framework is engaged. Whilst the relevant saved policies of the Local Plan date back to 1994, the weight to be attached to these does not hinge on their age. Rather, paragraph 219 of the Framework is clear that due weight should be given to existing policies according to their degree of consistency with the Framework.
12. Paragraph 130 of the Framework is explicit that new development should function well and add to the overall quality of an area, by creating visually attractive development which is appropriate in terms of architectural design and layout. It goes on to say that new development should be sympathetic to local character, and should respect the surrounding built environment. The content of the Framework therefore reflects the overriding design and

¹ St Albans District Plan, City and District of St Albans District Local Plan Review, Adopted 30 November 1994

² *Mansell v Tonbridge and Malling BC & Others* [2017] EWCA Civ 1314

character principles of the Local Plan in terms of new residential development. Even accounting for the Framework's objective of boosting the supply of housing and the Council's land housing land supply position, the conflict between the proposal and Policies 69 and 70 of the Local Plan should therefore be attributed significant weight in this appeal.

13. In terms of benefits, the proposal would contribute to the Council's housing stock. Whilst any increase to the Council's housing supply is desirable, the net addition of a single dwelling would only be a very modest contribution in this instance. Consequently, I consider that the adverse impacts of the development in terms of the harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply in this instance.
14. Following recent Natural England advice³, the appeal property is now within the Zone of Influence of the Chilterns Beechwoods Special Area of Conservation (SAC). The SAC seeks to protect habitats comprising beech forests, grassland and scrubland within the Ashridge Commons and Woods Site of Special Scientific Interest. However, as I am dismissing the appeal on other grounds, further consideration of this factor, including an appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) to determine any impact of the proposal on the SAC, is not required.

Conclusion

15. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR

³ Letter from Natural England dated 14 March 2022 to Buckinghamshire Council and others, entitled "Developments to the emerging evidence relating to the recreational impacts upon Chilterns Beechwoods Special Area of Conservation (SAC) and the need for a Mitigation Strategy"