



Appeal Decision

Site visit made on 20 June 2022

by P J Staddon BSc, Dip, MBA (Distinction), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th July 2022

Appeal Ref: APP/Y1945/W/22/3290117

3 Wildwood Avenue, Bricket Wood, ST. ALBANS AL2 3XG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Forrester against the decision of St Albans City and District Council.
 - The application Ref 5/21/1993 DC.4, dated 6 July 2021, was refused by notice dated 18 November 2021.
 - The development proposed is 'Outline application (appearance, landscaping and layout) for the construction of two detached dwellings in the rear garden of 3 Wildwood Avenue'.
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Decision

1. The appeal is dismissed.

Procedural and preliminary matters

2. I have used the above description which appears on the decision notice, as it is more precise than that contained in the application form, which does not define the number of dwellings or the matters for which approval is sought at this stage.
3. The appeal form stated that the application was refused by Watford Borough Council. This is an error and the relevant planning authority is St Albans City and District Council (the Council).

Main issue

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

Reasons

5. Wildwood Avenue is a private residential road within the built-up area of Bricket Wood, which is situated to the south-west of St Albans; the settlement is excluded from the Green Belt which surrounds it. The private road runs roughly northwards, and in a relatively straight line, from its junction with Mount Pleasant Lane (in the south) to Ashridge Drive (in the north). There is no vehicular access to Ashridge Drive, meaning that Wildwood Avenue is a cul-de-sac with a length of approximately 200 metres.
6. Either side of the private road there are rows of residential properties set a similar distance back from the road behind modest front gardens. They are

predominantly semi-detached bungalows, although there are a few detached units at the southern end, and many have been extended and altered and include accommodation in their roofs. The dwellings sit within good sized plots with established back gardens, giving the area a mature, attractive and leafy residential character.

7. The appeal property, No. 3, is one of the semi-detached bungalows situated on the west side of the road. It has a driveway on its south side which leads to a brick-built garage/shed outbuilding sited a few metres back from the bungalow's rear wall. The garden plot is large and, unusually for the area, T shaped, such that its rearmost part extends north and southwards, beyond the rear boundaries of its neighbours. That rearmost part is set at a somewhat lower level¹ than No. 3 itself and, when I visited, was heavily overgrown and contained a disused greenhouse structure. To the west of the garden is Larch Avenue, a residential cul-de-sac of 1.5 and 2 storey dwellings set at a lower level than the site, with a grassed bank to the east of its turning head rising up to the appeal site. There are some mature trees just beyond the overgrown part of the appeal site's boundaries.
8. The appeal proposal would introduce 2 detached dwellings into the rear, currently overgrown, part of the garden of No. 3. The approval of 'layout' 'appearance' and 'landscaping' is sought, with 'scale' and 'access' being reserved matters for subsequent approval, should this appeal succeed. The plans show a layout with one house sited in the southern part, such that it would be behind the rear boundary of No. 2 Wildwood Avenue, and the second in the northern part, beyond the rear garden boundary with No. 4.
9. The 2 houses would face each other across a parking/drive area with 2 parking spaces per dwelling indicated. Whilst access is a reserved matter, it is shown via an extension of the drive currently serving No. 3 (the outbuilding would be demolished). The displaced parking for No. 3 would be provided by new parking spaces to be created in its front garden. The application form and the submitted plans indicate that each dwelling would contain 3 bedrooms. The appearance of the dwellings would be 2 storey houses of a conventional design, with painted render walls and tiled pitched and hipped roofs. The landscaping details include lawned rear gardens, block paviour parking spaces, a shingle stone drive area and a row of small decorative conifers to be planted along the rear of the retained garden area of No. 3.
10. The proposed plots are in a backland location, lacking any meaningful direct relationship with either Wildwood Avenue to the east or Larch Avenue to the west. I have not been made aware of any development plan policies that preclude new housing development in such back garden locations, but the effect of such proposals on the character and appearance of an area is an important planning consideration.
11. Whilst the appeal site appears to be of a sufficient physical size to accommodate 2 dwellings, the appeal proposal, for which approval of layout and appearance is sought, would be uncharacteristic and would not fit comfortably within its context. The layout of the houses, being on a north-south axis, would be at odds with the prevailing pattern of development to the east, which comprises a relatively uniform row of bungalows, each fronting Wildwood Avenue.

¹ The appellant's 'existing ground levels' drawing (sheet 4) indicates a difference of 1.5 metres 'approx'.

12. Moreover, the appearance of the type of housing proposed, being 2 storey in height, with quite steeply pitched roofs, would exacerbate this incongruent effect. Despite the slight fall in land levels from No. 3 itself, the houses would be likely to rise above the height of the dwellings on Wildwood Avenue and generally appear bulkier and more prominent. This would contrast unfavourably with the prevailing lower rise character of bungalows on Wildwood Avenue. In reaching this assessment, I have taken into account that 'scale' is a reserved matter, but there is an inescapable link with 'appearance' which limits the scope for refinement and I cannot therefore be certain that the concern I have identified could be addressed at the reserved matters stage.
13. The layout of the parking areas and driveway would also be uncharacteristic of the area, as it would result in a large swathe of hard surfacing and parked vehicles between the fronts of the two dwellings, largely unrelieved by any meaningful soft landscaping. The extent of this hard surfaced area, along with the footprints of the dwellings and scant new tree and shrub planting, means that it appears somewhat cramped and there is no convincing evidence that the development would be successfully softened and integrated into its local context. Whilst I note the appellant's submission that detailed landscaping could be agreed by condition, I am mindful that landscaping is not a reserved matter.
14. There would also be harmful impacts when viewed from Larch Avenue to the west, as the dwellings would be side on to the turning head, whereas most dwellings in Larch Avenue front the road. This uncharacteristic effect would be exacerbated by the appeal site's notably higher level, meaning that the dwellings would appear prominent when viewed from Larch Avenue and somewhat imposing.
15. The northernmost dwelling would be particularly noticeable, as it would be at the end of the view along the length of much of Larch Avenue and would largely replace the existing backcloth of trees and greenery, with a rather bland 2-storey side elevation, set on higher ground. These effects would be uncharacteristic of the pattern of development in that road. Moreover, in the absence of detailed arboricultural evidence, I also cannot be certain that some of the trees and vegetation near to the appeal site boundaries would be unaffected by building houses in close proximity, which may open up the views and worsen the harmful effects I have identified.
16. On this main issue, I conclude that the appeal proposal would be harmful to the character and appearance of the area. This conflicts with policies 69 and 70 of the St Albans District Plan (adopted November 1994) and with paragraph 130 of the National Planning Policy Framework (the Framework), which, amongst other matters, require new development to be sympathetic to local character, context and its setting.

Planning Balance

17. It is common ground between the main parties that the Council cannot demonstrate a deliverable five-year supply of housing land and I have no reason to disagree with that view. Consequently, in accordance with the provisions of paragraph 11d and footnote 8 of the Framework, the policies which are most important for determining the application are considered to be out of date. In applying paragraph 11d to this case, the proposal would not impact on areas or assets of particular importance, as set out under paragraph

11di. Therefore, paragraph 11dii comes into play and sets out that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

18. The development would provide much needed residential accommodation, which is a clear benefit of the proposal. There would also be temporary economic benefits during the construction phase, together with some social and economic benefits through increased support for local shops and services in the area. However, these are relatively limited benefits of the scheme and the adverse impacts I have identified above would be significant and demonstrable, and would outweigh the limited benefits of the proposal in this regard.

Other matters

19. I have noted the appellant's submissions concerning plot ratios and development densities and I do not disagree that the principle of 2 dwellings in this location could be acceptable in that regard. However, that does not outweigh the harm to the character and appearance of the area that I have identified with this specific appeal proposal.
20. I have noted submissions concerning the required number of parking spaces, which the Local Plan bases on bedroom numbers. However, given my findings above, I do not consider it necessary to explore this matter further.

Conclusion

21. For the above reasons, the appeal is dismissed.

P. Staddon

INSPECTOR