



Appeal Decision

Site visit made on 30 June 2022

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

an Inspector appointed by the Secretary of State

Decision date: 29 July 2022

Appeal Ref: APP/B1930/W/21/3278854

32 Cambridge Road, St Albans, AL1 5LQ

- 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 Steve Murphy (J Murphy Developments) against the decision of St Albans City & District Council.
 - The application Ref 5/21/0741 dated 10 March 2021, was refused by notice dated 14 June 2021.
 - The development proposed is described on the application form as "Erection of a pair of semi-detached dwellings with attached garages fronting Cambridge Road and a detached new dwelling with attached garage fronting College Road with associated parking and access."
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Steve Murphy (J Murphy Developments) against St Albans City & District Council. This application is the subject of a separate decision.

Procedural matter

3. 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 its appeal statement was drafted after it had been published.

Main issues

4. The main issues are:
 - highway and pedestrian safety, with particular regard to whether the development would result in parking stress in the locality;
 - whether future occupiers of plot 3 would be likely to experience acceptable living conditions in terms of amenity space provision.

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

Reasons

Appeal site context

5. The appeal site lies on the corner of Cambridge Road and College Road. The area is primarily residential in nature and derives its character from 2-storey terraced, semi-detached and detached housing of varying architectural styles and materials ranging from the late 19th Century to the first half of the 20th Century.

Highway and pedestrian safety, with particular regard to whether the development would result in parking stress in the locality

6. Policy 40 of the Local Plan² states that 3 allocated spaces and 0.5 unallocated spaces need to be provided for dwellings of 4 bedrooms or more. However, the scheme before me would result in 2 spaces for each property, of which one would be in a garage. As a consequence, the development conflicts with the requirements of Policy 40.
7. The above standard was subsequently reviewed by the Council in its local parking guidance³, which reveals the appeal site to fall within Zone 1. In this location, the local parking guidance states that applicants will be encouraged to meet the standards set out in Policy 40, but that schemes slightly below this may be acceptable.
8. I recognise that the appeal site is in a sustainable location with good access by means other than the private car to local services and facilities. However, the appellant's parking stress survey nonetheless shows very high levels of parking occupancy in the local vicinity, revealing that parking pressure is high. Based on this evidence and my observations on-site, it is my view that there is significant parking stress in the area with very limited capacity for additional on-street parking. Having considered all of these issues, I have reached the view that a minimum of 2 parking spaces is necessary for each property, on the provision that they are sufficiently convenient and easy to use.
9. I recognise that the Inspector for the previously dismissed appeal⁴ considered one off-street parking space for each dwelling to be satisfactory, but this was based on each property having 3 bedrooms. The scheme before me is for 3 properties containing 4-bedrooms each and as a consequence, I consider 2 off-street spaces for each property to be necessary (which although a higher amount, equates to the same shortfall of 1 off-street space per dwelling allowed in the previous appeal).
10. The proposed parking spaces for plots 1 and 2 are shown on the submitted plans as 5.00m x 3.73m and 5.00m x 3.83m respectively, together with 5.60m x 2.85m for plot 3. Although the space for plot 3 is acceptable, the dimensions for plots 1 and 2 fall short of the standard required by Policy 40 of the Local Plan which states that a driveway in front of a garage must be at least 5.50m long for it to count as a parking space and allow for opening of the garage doors. I consider this requirement to be both logical and sensible, and am

² St Albans District Plan, City and District of St Albans District Local Plan Review, Adopted 30 November 1994, Written Statement.

³ Revised parking policies and standards, January 2002, City and District of St Albans, approved by Cabinet on 8 January 2002.

⁴ Planning appeal APP/B1930/W/21/3270652 for three terraced dwellings and 1 detached dwelling, dismissed on 2 July 2021.

accordingly of the view that there would be insufficient space for vehicles to simultaneously park and allow for the garage doors to be opened, with the result that cars would overhang the public footway. This would make navigation of the footway more difficult for pedestrians, potentially forcing some to step into the vehicular highway. It would also create additional obstacles for parents with small children walking alongside them or in pushchairs, and those with disabilities, such as those with a guide dog/white mobility cane or in wheelchairs/mobility scooters.

11. The external dimensions of the proposed garages for plots 1 and 2 are shown on the submitted plans as 5.40m x 2.83m, and plot 3 as 5.25m x 2.85m. This would leave the internal dimensions noticeably smaller and the Council has referred to a figure of 5.20m by 2.60m. Although I consider this to be an optimistic calculation given the width of the brick wall pillars inside the garages, I have nonetheless proceeded to consider the scheme on the basis of these approximate internal dimensions.
12. Although the Local Plan and local parking guidance does not set out garage dimensions, such a facility must nonetheless be convenient and easy to use for it to serve its intended purpose as a parking space. This is reinforced by Manual for Streets⁵ which states that consideration should be given to the size of the garage before deciding whether it will actually be used for parking and that many authorities now recommend a minimum size of 6m x 3m (this document is significant in that it is a key reference providing further information to the guidance set out in the National Design Guide⁶). The local highway authority states in its response that these garage dimensions are also recommended in the 'Roads in Herts' document.
13. Having had regard to the above factors, it is my view that the size of the garages proposed are too narrow and short and that a larger garage would be necessary to ensure that future occupiers are not discouraged from using it. I recognise that the internal dimensions are larger than that required by the local highway authority for a parking space (4.8m x 2.4m), but the latter are not usually restricted by brick walls, and if they were, I would consider a wider parking space to be necessary to accommodate access to the vehicle.
14. As a consequence of the deficient garage size, each of the dwellings would be left with only 1 convenient and easy to use off-street parking space (notwithstanding the pedestrian safety issue on plots 1 and 2), which I would not consider acceptable as this would inevitably result in future occupants seeking to park on the street close-by. This would add to the already significant parking stress in the locality, which is dominated by narrow roads with parking on both sides. The subsequent increased parking demand, even from a net addition of just 2 houses, when taken cumulatively with the limited off-street parking for existing housing, would further increase on-road parking congestion and noise & disturbance as drivers look for a parking space. It could also lead to unsafe or obstructive parking to the detriment of highway and pedestrian safety.
15. The appellant has drawn my attention to another scheme approved by the Council 95m north of the appeal site without the provision of any off-street

⁵ Manual for Streets, Department for Transport and Department for Communities and Local Government, 2007.

⁶ National Design Guide, Ministry of Housing, Communities & Local Government, January 2021.

parking⁷ and a scheme 95m to the south for two 3-bed semi-detached dwellings, each with only 1-parking space per unit⁸. However, I would not consider it appropriate for such exceptions to justify further under-provision as each incremental addition to the housing stock will have a consequential impact on the level of parking stress once it has been constructed. Each new residential proposal that subsequently comes forward must therefore be treated on the basis of the parking conditions that exist at the time it is submitted.

16. I recognise the appellant's frustration that the scheme was refused despite the local highway authority not raising any objections. However, this in itself does not demonstrate a lack of harm and in any event, it acknowledged in its response that the garage spaces were slightly substandard.
17. In view of the above, I conclude that the parking spaces on plots 1 and 2 and those within each of the garages on plots 1, 2 and 3 are of an insufficient size for them to be used easily, conveniently and safely. The scheme would as a consequence have an unacceptable impact on highway & pedestrian safety and parking stress in the locality. The proposal would therefore conflict with Policy 40 of the Local Plan which seeks to ensure an acceptable standard of parking provision. It would also conflict with the Council's local parking guidance as the amount of usable parking spaces would fall considerably below the level established by Policy 40.
18. I also find that the scheme conflicts with Paragraphs 112 and 130 of the Framework which seek, amongst other things, to minimise the conflict between pedestrians and vehicles and create safe places with a high standard of amenity for existing and future users. Furthermore, I am also satisfied that the scheme's refusal accords with Paragraph 111 which states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Whether future occupiers of plot 3 would be likely to experience acceptable living conditions in terms of amenity space provision

19. Policy 70 of the Local Plan states that the size of a private garden should reflect the number of persons for which the dwelling has been designed, their likely range of activities and also local residential character. It also states that gardens may be smaller where there is public open space nearby and that further guidance is provided in its Design Advice Leaflet⁹.
20. The Design Advice Leaflet states that there should be 100 sqm for 4 bedroom houses (40 sqm for the first bedroom and 20 sqm for each subsequent bedroom). Plots 1 and 2 achieve this standard (both 100 sqm), but Plot 3 does not with a private garden of 82 sqm.
21. The appellant has provided evidence revealing the presence of various areas of public open space. Two of these (Cunningham Hill Green Space and Longacres Park) are within short walking distance and therefore near the appeal site. Furthermore, the proposed private garden to Plot 3 would be comparable to the size of other properties in College Road and therefore reflect local residential character.

⁷ Council ref: 5/2019/2005 at 17 Maxwell Road, St Albans.

⁸ Council ref: 5/2018/2604 at 34-40 College Road, St Albans.

⁹ Design Advice Leaflet No 1 (November 1998), Design and Layout of New Housing, St Albans City and District.

22. In view of the above, I conclude that the development would provide an adequate amount of private garden space to plot 3 and not be harmful to the living conditions of its future occupiers¹⁰. The proposal would therefore accord with Policy 70 of the Local Plan, which seeks, amongst other things, to ensure that sufficient amenity space is provided around new dwellings.
23. I also find that this element of the scheme accords with Paragraph 130 of the Framework which seeks, amongst other things, to ensure that development creates places with a high standard of amenity for future users.

Planning balance

24. 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.
25. Policies 40 and 70 of the Local Plan are broadly consistent with the Framework insofar as they relate to the main issue of this case. The appellant has referred to a conflict in terms of Policy 40, but I consider this to contain minimum residential parking standards, which are permissible under Paragraph 107 (and not maximum residential parking standards, which are more tightly controlled under Paragraph 108). As a consequence, and having regard to the basket of policies before me, I am satisfied that the proposal conflicts with the development plan when taken as a whole.
26. The Council and appellant agree 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 years¹¹. This means that the Framework's presumption in favour of sustainable development applies.
27. 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 site¹², 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 dwelling per hectare density as supported by Paragraphs 119, 120, 124 and 125 of the Framework.
28. 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 net increase in housing units, I consider these benefits to be of limited value and that the adverse impacts of the scheme would significantly and demonstrably outweigh

¹⁰ For the same reasons, this would also be the case for plots 1 and 2 if their private garden space was slightly reduced to accommodate larger garages and parking spaces to address the deficiencies outlined above in a subsequent revised scheme.

¹¹ 2021 Housing Delivery Test.

¹² The appeal scheme proposes redevelopment of a site which originally had one dwelling. As a consequence, it does not fall solely on residential garden land in a built-up area, which is excluded from the brownfield land definition in the Framework.

these, when assessed against the policies in the Framework when taken as a whole.

29. I have noted the appellant's frustrations regarding the final decision being contrary to the case officer recommendation, 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, whilst I disagree with the view of Members on the amount of private garden space provided and total number of parking spaces necessary, this does not overcome the harm I have identified in terms of the size of parking/garage spaces.
30. 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

31. Although I have concluded that there is no harm in respect of the main issue relating to private garden space for plot 3, I am nonetheless satisfied that the harm identified in respect of the main issue relating to highway & pedestrian safety and parking stress is sufficient to still justify dismissal of the appeal.
32. 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