



Appeal Decision

Site visit made on 6 December 2022

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal Ref: APP/B1930/D/22/3299418

25 Newfield Way, St Albans, Hertfordshire AL4 0GB

- 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 Ms F Boyle against the decision of St Albans City Council.
 - The application Ref 5/22/0530, dated 24 February 2022, was refused by notice dated 11 May 2022.
 - The development is retrospective approval for study/store.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site is located in the Metropolitan Green Belt. The National Planning Policy Framework (the Framework) regards the erection of new buildings in the Green Belt as generally being inappropriate. There are some exceptions to this which are listed in Paragraph 148 of the Framework. From the evidence before me, it appears that the development that is the subject of this appeal accords with one of those exceptions. In result, the development is not inappropriate in the Green Belt and does not erode the Greenbelt's sense of openness.
3. On my site visit, I noted that the appeal development had already been implemented in accordance with the submitted plans.

Main Issues

4. The main issues relevant to this appeal are:
 - the effect of the development upon the living conditions of the occupiers of the neighbouring property at 7 Puddingstone Drive, with particular reference to outlook; and
 - the effect of the development upon the character and appearance of the surrounding area.

Reasons

Living conditions

5. The appeal site consists of a detached dwelling with a garden to the rear that is surrounded by wooden fences. To the rear of the appeal site is No. 7. This property features a relatively small garden and adjoins the site of the appeal development. The building is of a single-storey.

6. By reason of the proportions of the building such as its footprint and height, the development has a significant enclosing effect upon the neighbouring property's garden. This means that the occupiers of the dwelling experience a diminished level of outlook arising from the proximity of the appeal scheme.
7. These adverse effects would arise given that No. 7 is set further forward of the neighbouring dwellings, shown on the submitted plans as being 3 and 5 Puddingstone Drive. Therefore, when combined with the appeal scheme, the garden at No. 7 features buildings close to both side boundaries.
8. Therefore, the rear garden of No. 7 has become significantly enclosed. This means that the users of the garden would not feature sufficient levels of outlook. In result, the living conditions of the neighbouring occupiers have been eroded by the appeal scheme. Although the development is near to the site's boundary treatment, it exceeds the height by a notable amount. This gives rise to the previously described adverse effects.
9. This matter is of concern given that the rear garden of the neighbouring property is the only space in which private outdoors or recreation activity might take place. Therefore, the diminished level of outlook has a notable injurious effect upon the living conditions of the neighbouring property.
10. This effect would also be exacerbated by the proportions of the building. in particular the rear elevation of the building is in proximity to the boundary and is of a significant height. This means that the proposed development as a very bulky appearance that owing to the proximity to the boundary results in a diminished level of outlook for the neighbouring occupiers.
11. In addition, there are some views of the development from the rear elevation windows of the neighbouring property. Owing to the proportions of the development, it has an enclosing effect upon these windows. Therefore, the loss of outlook is particularly apparent. This would be in addition to the adverse effect upon the neighbouring property's gardens. This would be the case even though the rear boundary is relatively open on account of the significant enclosing effect that has been created by the development.
12. My attention has been drawn to other buildings within the area. I have not been provided with full information regarding their planning circumstances. This means that I can only give them a limited amount of weight. Nonetheless, their relationships with existing dwellings are different. Therefore, they do not have the same effects and their presence does not allow me to disregard my concerns.
13. I understand that an out building could be constructed on the property under permitted development rights. Although this might be the case, such an outbuilding would be smaller than the appeal scheme and therefore have a lower effect on the neighbouring property. In consequence, I do not consider that this allows me to disregard the previously described adverse effects.
14. I therefore conclude that the development has an adverse effect on the living conditions of the occupiers of the neighbouring property. The development, in this regard, conflicts with Policies 69 and 72 of the St. Albans District Local Plan Review (1994) (the Local Plan). Amongst other matters, these require that developments be of a high standard of design; and do not harm the amenities of neighbouring properties.

Character and appearance

15. The appeal site contains a detached dwelling located near to several other houses. These are constructed to different designs. Some of these have previously been extended and some feature outbuildings. These are constructed to different designs and utilise different palettes of materials. This means that the appeal site and the surrounding area creates a varied character.
16. The development would be viewed from the neighbouring properties against this varied context. In result, the development would not appear incongruous for it would be viewed alongside several different extensions and outbuildings.
17. Furthermore, views of the development from the wider area are very limited and generally comprise short, glimpsed views. This means that the development is not a prominent or strident addition to the wider area. Therefore, although constructed from different materials to the appellant's dwelling, the outbuilding would not be incongruous, or erode the character of the wider area.
18. Therefore, although the development features a mono-pitched roof, albeit with a very shallow pitch, which contrasts with the existing dwelling. The development does not appear unusual or discordant. In addition, the palette of materials is consistent with other structures in the surrounding area rendering the development consistent with the prevailing character.
19. I therefore conclude that the proposed development does not have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, conforms with Policies 69 and 72 of the Local Plan. Amongst other matters, these seek to ensure that new developments take into account context; and relate to domestic scale and character.

Other Matter

20. In considering this appeal, I have had regard to the representations from the occupier of the neighbouring property. Whilst a matter of note, this is only one of all the matters that must be considered. Therefore, this does not overcome my findings in respect of the first main issue.

Conclusion

21. The proposed development has not led to an adverse effect upon the character and appearance of the surrounding area. However, this is outweighed by the significant adverse effect upon the living conditions of the occupiers of No. 7.
22. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR