



Appeal Decision

Site visit made on 30 December 2022

By A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI
an Inspector appointed by the Secretary of State

Decision date: 2nd February 2023

Appeal Ref: APP/B1930/D/22/3303181

Orchard House, Holywell Hill, ST. ALBANS AL1 1BX

- 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 C. Hawes against the decision of St. Albans City and District Council.
 - The application Ref: 5/22/0955 dated 08 April 2022, was refused by notice dated 13 June 2022.
 - The development proposed is conversion of garage into habitable space ancillary to the main dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of garage into habitable space ancillary to the main dwelling at Orchard House, Holywell Hill, ST. ALBANS AL1 1BX in accordance with the terms of the application Ref: 5/22/0955 dated 08 April 2022 and the plans submitted with it, subject to the following conditions:
 - 1) The works authorised by this consent shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: OH/02 bearing the date 26/03/02.
 - 3) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Orchard House Holywell Hill, St Albans, AL1 1BX.
 - 4) The external walls and roof of the development hereby approved shall be constructed with materials which match those found in the existing building

Main Issue:

2. The main issue is whether the garage, as proposed to be altered and converted, would be accommodation ancillary to Orchard House.

Reasons:

3. Orchard House is a substantial, locally listed historic property sitting within extensive grounds in proximity to St Albans Abbey. Accessed over a driveway from Holywell Hill which is shared with other residential property of various ages and forms on its north and eastern sides, Orchard House is located in a tranquil part of the St Albans Conservation Area (SACA). The proposal would involve the conversion of ground floor garage space and enlargement of the upper floor space with the creation of a gable from the existing hipped roof. The 4 main

windows in the resulting gabled wall would directly face the principal elevation of Orchard House and directly overview the currently private gravelled parking area. To my mind such overlooking would be unacceptably intrusive if the development proposed was for an independent neighbouring user but acceptable if the accommodation is occupied by the same household.

4. The Council are concerned that the accommodation could be occupied independently from the main house in conflict with saved Policy 12 of the City and District of St Albans District Local Plan Review 1994 (LPR). Although the Council point to a proposed side door access which means occupiers could enter and leave the proposed accommodation directly from the access lane and that the converted garage is not attached to the main dwellinghouse, neither of these matters are determinative as to manner of occupation since this can, where necessary, be controlled by condition. Further, given the size and importance of Orchard House and the potential for intrusive overlooking from the proposed accommodation, I consider the likelihood of the current single unit of occupation (which includes the garage) being subdivided by its owners is low, as this would undoubtedly detriment its privacy and, in consequence, its value.
5. The appellant has referred to an appeal decision¹ at Hatfield Road involving the provision of ancillary residential accommodation in a separate building within the main residential curtilage. This decision shares a number of features with the matter to be determined and, although more than 12 years old, the policy position of the Council has not changed in that period. Policy 12 of the LPR is intended to support the provision of discrete ancillary accommodation for staff and dependant relatives with provisions requiring such (i) to be extensions to the main dwelling and (ii) to avoid independent pedestrian access. The objective of these requirements being to prevent the creation of separate dwellings and it is on that basis that the Council has reached its decision.
6. However, given the subsequent publication of the National Planning Policy Framework and the continuing emphasis on increasing the supply of housing it does not appear to me that these provisions within the otherwise supportive wording of Policy 12 would attract more than nominal weight having regard to the sustainable location of the appeal site and the benefit of providing additional accommodation which the appellant requires.
7. The Council also refer to Policy 70 of the LPR by reference to an absence of 'private amenity space and parking space for both dwellings'; however, the appellant does not seek to create a separate unit of accommodation (planning unit) but to create additional accommodation within the curtilage of Orchard House. As it is not intended to create an additional dwelling no conflict arises with Policy 70 on these matters. In any event, notwithstanding the loss of garage space, Orchard House is amply provided with parking area and outdoor amenity space within its curtilage.

Other Matters

8. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act (1990) (LBCA Act) imposes a duty upon decision-takers to have regard to the

¹ APP/B1930/A/10/2124995

preservation or enhancement of the character and appearance of Conservation Areas. The Council indicate that the proposed external changes to the garage would not be incompatible with the existing built form and its setting. My observations direct towards a similar conclusion in that due to the positioning of the proposed works and by the use of similar materials the character and appearance of the Conservation Area would be preserved.

Conclusion and Conditions

9. I therefore conclude that there would be no conflict with Policy 12 of the LPR and, for the reasons given noting all matters raised, the proposal would accord with the development plan taken as a whole. In consequence the appeal should succeed subject to usual timing and plans conditions and also conditions necessary to ensure the development is carried out with suitable materials and occupied as ancillary to the existing dwelling.

Andrew Boughton

INSPECTOR