



Appeal Decision

Site visit made on 18 July 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2023

Appeal Ref: APP/B1930/W/22/3310471

3 Cross Lane, Harpenden AL5 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 Prof G. Tovey against the decision of St Albans City Council.
 - The application Ref 5/22/0135, dated 12 January 2022, was refused by notice dated 7 September 2022.
 - The development proposed is the erection of three detached dwellings with ancillary garages with associated vehicular access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are:
 - the effect of the development upon the character and appearance of the surrounding area; and
 - the effect of the development upon the character and appearance of the Conservation Area (the CA).

Reasons

Character and appearance

3. The appeal site contains a detached dwelling, surrounded by a relatively large garden. The wider area contains several dwellings, which although being constructed to different designs and proportions, utilise traditional styles of architecture. In addition, a feature of the vicinity is notable amounts of space between buildings, which create a more open, suburban character. This allows for the appeal site to harmonise with the more rural surroundings beyond.
4. Although there are dwellings elsewhere, the proposed development would result in a dwelling being constructed in the space to the side of the existing dwelling. Therefore, owing to the siting and proportions of the appeal proposal, this dwelling would lead to a loss of the open character of the site and the surrounding area. This would be exacerbated by the proposed garage.
5. In addition, the proposed development would result in the creation of two dwellings to the rear of the site. This means that the proposed development would conflict with the prevailing character given that the dwellings within the surrounding area are predominantly located in a linear form.

6. Some of the nearby dwellings occupy a greater proportion of their respective sites than the appellant's dwelling and are of different sizes. However, the depth of plot size is readily perceptible from the road. In consequence, the erection of two dwellings to the rear of the site, which would also be visible from the highway, would mean that the development would erode this characteristic of relatively deep plots.
7. The incongruous effect would be exacerbated by the design of the two dwellings located to the rear of the site. These would be notably different from the traditional designs and proportions than the existing dwellings in the surrounding area. Therefore, the proposed development would erode the character of the surrounding area, even though there are some dwellings to the rear of the appeal site.
8. Furthermore, by reason of the proximity of the dwellings to one another, the development would result in a more urbanised appearance, which would conflict with the presence of open areas and a more spacious character that is a feature of the locality. This would occur irrespective of the materials from which the development is constructed from.
9. In addition, the proposed development would feature areas of hard surfacing as part of the driveway, in addition to areas for parking and the manoeuvring of vehicles. This means that the development would have a more engineered appearance and would result in an erosion of the site's verdant character.
10. In reaching this view, I have had regard to the fact that two of the proposed dwellings would be located to the rear of the appeal site. However, these dwellings would be viewable from the highway through gaps between buildings and also the proposed access road.
11. This means that the proposed development, which would have an incongruous appearance, would be readily perceptible from the surrounding area. This would be from areas of the public realm, such as the highway. In addition, there would be glimpsed views from the surrounding properties. In result, the proposed development has the potential to be experienced by a great number of people. This would render the incongruous form of development strident.
12. I have been referred to Policy T11 of the Harpenden Neighbourhood Plan. Although there is some debate regarding the size of the proposed garages, even if I were to conclude that they were not suitable of being used for parking, I would find that the driveways contained in the proposed development are of sufficient size to accommodate parked cars. Therefore, I do not find that this policy has been breached by the proposed development.
13. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with Policy 69 of the St Albans District Local Plan (1994) (the Local Plan). Amongst other matters, these seek to ensure that developments are of a high standard of design.

Effect on the Conservation Area

14. The appeal site is located within the Harpenden Conservation Area (the CA). For the purposes of this appeal, the significance of the CA is, in part, derived from the presence of traditional designed dwellings located in a spacious, landscaped setting. As part of this traditional character, space between

- dwellings in an important characteristic. The appeal site contains several mature trees and an open area that contribute to the area's character.
15. The proposed development would result in a reduction in the level of open space surrounding the proposed development by reason of the erection of the three proposed dwellings. This would be exacerbated by reason of the creation of a driveway to serve the proposed dwellings including those to the rear of the appeal site. This would result in an erosion of the prevailing character of the surrounding area. In particular, the proposed development would create a more engineered and urbanised appearance.
 16. In addition, the proposed development includes the provision of large garages that would serve the appeal proposal. Although outbuildings are a feature of the locality, these are generally small and have a subordinate relationship to the associated dwelling. In addition, garages are generally located in line with dwellings, or to the rear of the respective sites.
 17. In contrast, one of the proposed garages would be located to the front of the appeal site. Owing to this siting and the proportions of the garage, this element of the development
 18. would erode the open and landscaped character of the CA. I am aware that the appeal site currently features several outbuildings that are to be demolished in order to facilitate the proposed development. However, these are of a different form and siting to the appeal proposals and therefore their presence does not allow me to disregard my previous concerns.
 19. The proposed development would also result in the reduction in the level of trees at the appeal site. The proposed development would result in the reduction in the site's verdant character. This would also lead to an erosion of the wider areas less developed character, even though new landscaping can be installed on the site.
 20. The proposed development would result in the provision of some new planting and trees. However, these trees are unlikely to be of the same sizes and maturity as those that would be removed. In addition, these would take some time to become established.
 21. Furthermore, the appeal plans show that the new trees would be located to the rear of the existing dwelling. Therefore, they would not be readily viewable from the front of the site, or Cross Lane. In consequence, they would not make the same contribution to the more verdant character of the surrounding as the existing trees do. In addition, any new landscaping and trees would take some time to become established. In consequence, the proposed development would not mitigate the adverse effects upon the character of the CA.
 22. I therefore conclude that the proposed development would have an adverse effect upon the CA. The development, in this regard, would conflict with Policy 85 of the Local Plan. Amongst other matters, these seek to ensure that developments preserve or enhance the character and appearance of Conservation Areas.

Other Matters

23. It is unlikely that the proposed development would result in an adverse effect upon the living conditions of the occupiers of neighbouring properties and

would provide an appropriate amount of car parking. Although matters of note, these are only some of the matters that must be assessed and therefore do not outweigh my previous findings.

24. My attention has been drawn to an appeal decision relating to a site elsewhere. I have not been provided with the full information regarding the planning circumstances of this, which means that I can only give it a limited amount of weight. Nonetheless, the previous appeal site pertains to a different location and therefore the effects would be different. This decision therefore does not allow me to forego my previous findings.
25. I understand that planning permission has previously been granted for a dwelling at the appeal site. However, this permission has since expired and was for a development of a different design. This means that it had differing effects. Therefore, this permission does not overcome the previously identified adverse effects.

Heritage Balance

26. The harm that would occur to the character and appearance of the Conservation Area would not be severe and therefore it would be 'less than substantial' within the meaning of the National Planning Policy Framework (the Framework). Paragraph 202 of the Framework requires such harm to be weighed against the public benefits of the proposal.
27. In this instance, the benefits include an increase in the local housing supply. However, the development would be for an additional three dwellings. Therefore, any benefits would be small and can only be attributed a limited amount of weight.
28. In addition, there would be some economic benefits arising from the construction process and the occupation of the development. However, owing to the scale of the proposed development, such benefits are only likely to be of a small scale. In addition, some of these would be time limited in effect. In consequence, they can be attributed a limited amount of weight.
29. Therefore, when giving great weight to the special attention I must pay to the desirability of preserving or enhancing the character and appearance of the Conservation Area, I find that the harm that would arise from the proposal would not be outweighed by its limited public benefits. Accordingly, there would be a conflict with Paragraph 200 of the Framework as harm to designated heritage assets would not have clear and convincing justification.

Conclusion

30. The proposed development would have an adverse effect on the character and appearance of the surrounding area, and the character and appearance of the Conservation Area. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, which 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