



Appeal Decision

Site visit made on 18 July 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2023

Appeal Ref: APP/B1930/W/23/3314355

22 Langley Grove, Sandridge, Hertfordshire AL4 9DU

- 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 Kevin Abbott against the decision of St Albans City & District Council.
- The application Ref 5/22/1449, dated 21 August 2022, was refused by notice dated 2 December 2022.
- The development proposed is described as erection of 2-bedroom residential dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has confirmed that the site lies outside the Sandridge Conservation Area (CA). I have dealt with the effect of the proposed development upon the setting of the CA in Other Matters below.

Background and Main Issues

3. There is no dispute that the proposal lies within the Green Belt and that the proposal would comply with the exceptions listed in paragraph 149 e) of the National Planning policy Framework (the Framework) and Policy D1 of the Sandridge Parish Neighbourhood Plan (NP). The main issues in respect of this appeal is not one of inappropriate development in the Green Belt.
4. The main issues are:
 - i) the effect of the proposed development upon the character and appearance of the surrounding area.
 - ii) the effect of the proposed development on the living conditions of existing occupiers of neighbouring properties; and
 - iii) whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to outdoor amenity space.

Reasons

Character and appearance

5. 22 Langley Grove occupies a corner plot within a residential area. The proposed development would involve the sub-division of the rear garden of this property.

6. Although the character of dwellings and their plots in the locality is varied, particularly between those on Langley Grove and the more recent development on Morris Green, generally development is characterised by dwellings sitting within elongated plots with rear gardens. The proposed dwelling would occupy a plot which is substantially smaller than others in the locality. Whilst the property frontage width would be comparable with nearby development, the site would be considerably shallower in depth. As a consequence, the proposed dwelling would occupy the majority of the depth of the plot, pushed up against the rear boundary. This would be significantly at odds with the prevailing pattern of development in the immediate area.
7. The proposed dwelling would be viewed in the streetscene from Morris Green, from where the dwelling would be accessed and would sit forward of the existing dwellings to the eastern side of Morris Green. The character of development in this immediate area is varied with the inclusion of a block of flats. Accordingly, the proposed dwellings positioning would not appear unduly out of character.
8. Due to the presence of development surrounding the appeal site at Langley Grove, Spencer Place and Morris Green the proposed dwelling would sit within a residential context and the positioning of a dwelling on the appeal site would not be incongruous in the wider street scene. There would be limited views of the proposed dwelling from Langley Grove due to the location of the site set back from this road, the narrow roadway and the presence of boundary treatments along Morris Green.
9. The proposed dwelling would be two-storey with a front facing gable. This would be reflective in terms of the design and scale of nearby dwellings, particularly those on Morris Green, which are visible within the street scene that the appeal proposal would be viewed. Materials of construction could be conditioned if I were to allow the appeal, to ensure the development would assimilate with its surroundings in this regard. However, this would not overcome the harms identified above.
10. I conclude the proposed development would have a harmful effect on the character and appearance of the surrounding area. Accordingly, I find conflict with Policies 69 and 70 of the St Albans District Local Plan Review 1994 (DLP). Amongst others, these policies require new housing to have regard to its setting and character of its surroundings.

Living conditions of existing occupiers

11. The proposed dwelling would be positioned close to the rear boundary of the site, which runs parallel with the garden of the adjacent property, 20 Langley Grove. There would be a first-floor bedroom window to the rear elevation of the proposed dwelling, which would be within close proximity to the rear boundary. Accordingly, the future occupiers of the proposed dwelling would overlook the rear garden of the adjacent property. This would be detrimental to the living conditions of the adjacent occupiers.
12. To the first floor of the rear elevation of the proposed dwelling would be a bathroom window. Although this window would be directly on the shared boundary it serves a room the occupiers would unlikely spend much time in and would most likely be obscurely glazed. No overlooking would occur from

ground floor windows of the proposed dwelling due to the presence of boundary treatments, which could be conditioned if I were to allow the appeal.

13. The proposed two-storey dwelling includes a first-floor non-habitable room window to its side elevation which faces towards the existing dwelling. This window would be obscure glazed and would not lead to any overlooking towards No. 22.
14. The gardens of Nos. 24 and 26 Langley Grove are opposite the appeal site. The proposed dwelling is set in marginally from the back edge of the highway. A high boundary fence forms the side boundary of the garden to these properties with Morris Green, and as such no overlooking from ground floor windows of the proposed dwelling would occur. Given the intervening roadway between the appeal site I am satisfied that there would not be a significant loss of privacy to the occupiers of the neighbouring properties by way of overlooking from the proposed first-floor habitable room windows.
15. I have considered the effect of the proposal on other properties, including No.11 Morris Green. Having regard to the positioning and orientation of the proposed dwelling and its windows in relation to other dwellings I am satisfied that there would be no loss of privacy to these existing occupiers.
16. Whilst I do not find harm to the living conditions of the existing occupiers at No.11 Morris Green or Nos.22, 24 and 26 Langley Grove, I conclude that the proposal would be harmful to the occupiers of No.20 Langley Grove by way of loss of privacy.
17. I therefore conclude that the proposed dwelling would harm the living conditions of the occupiers of neighbouring dwellings with regard to privacy. This would be in conflict with Policies 69 and 70 of the DLP. I also find conflict with the National Planning Policy Framework (the Framework) which seeks to ensure all developments are compatible with adjoining uses and protect the living conditions of neighbouring occupiers.

Living conditions of future occupiers

18. The garden to the proposed dwelling would be smaller than those of nearby properties, which are generally characterised by elongated plots to the rear of the dwelling. Nevertheless, the proposed dwelling would be provided with a useable and proportionate private amenity space. I understand that the appeal site is located within close proximity to public open space and therefore I am satisfied that the future occupiers of the dwelling would have good access to outdoor open space.
19. I conclude the proposed development would provide acceptable living conditions for future occupiers, with particular regard to outdoor amenity space. I therefore find the proposed development accords with Policies 70 and 72 of DLP and Policy D4 of the NP. These policies are consistent with the principles of the Framework which together require proposals to provide satisfactory living conditions for occupants and provide an outdoor garden space or access to a communal garden.

Other Matters

20. The appeal site lies outside, but adjacent to the Sandridge Conservation Area (CA). The CA derives its significance from being a Saxon and medieval village and its collection of historic buildings. The appeal site sits behind dwellings which lie at the periphery of the CA and is viewed in the context of the more recent suburban housing. As such, although it contributes to the residential setting of the CA, it has a neutral impact on the significance of the CA. The proposed dwelling, being two-storey in height, would have a greater visual impact in the streetscene than the existing garden. However, the scale and design of the proposed dwelling would be in-keeping with the existing residential development in the vicinity of the site. Based on the plans before me, and as observed at my site visit, I do not consider the proposal would have an adverse impact upon the character and appearance of the area or the setting of the CA and therefore find no conflict with Policy 85 of the DLP.
21. The decision notice refers to Policy 72 of the DLP. This policy relates to residential extensions and does not cover new dwellings, and as such is not determinative to the appeal before me.
22. I note the presence of mature trees within existing gardens that would help obscure views of the proposed dwelling and overlooking from some angles. However, the long-term retention of the landscaping cannot be guaranteed. Whilst I note that the Appellant would be agreeable to a planning condition for tree protection measures during construction works the trees are outside of the application site boundary.

Planning Balance and Conclusion

23. The Council concedes that it is unable to demonstrate a 5-year supply of deliverable housing sites. In these circumstances, paragraph 11 of the Framework states that policies which are most important of determining the application are out-of-date. The proposal would not be inappropriate development in the Green Belt, which is an area of particular importance referred to in paragraph 11di) of the Framework, so that is not a clear reason for refusing the development. Consequently, paragraph 11dii) of the Framework states 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.
24. The site is located within an existing urban area, that is well-related to public transport and existing services and facilities. The proposal would make effective use of land and the additional residential unit would contribute towards housing provision. Once the additional unit is occupied this would also contribute towards spend within the local economy. Whilst these factors weigh in favour of the proposal, given the small scale of the development these benefits would be moderate.
25. Even if the shortfall of housing land supply is very great, the harm I have identified to the character and appearance of the area and living conditions of existing occupiers would significantly and demonstrably outweigh the benefits of the scheme. As such, the proposal does not benefit from the presumption in favour of sustainable development set out in the Framework.

26. I have concluded that the proposal would not comply with Policies 69 and 70 of the DLP such that it would conflict with the development plan as a whole. I have not found any material considerations that would outweigh that conflict. On that basis, the appeal should be dismissed.

R Gee

INSPECTOR