



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: 22 August 2023

Appeal Ref: APP/B1930/W/22/3311952

3 St. Mary's Close, Redbourn, Hertfordshire AL3 7DD

- 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 Aaron Stowell against the decision of St Albans City Council.
 - The application Ref 5/22/1568, dated 20 June 2022, was refused by notice dated 17 August 2022.
 - The development proposed is described as demolition of existing dwelling and construction of a single five bedroom family home.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the refusal of the application the Redbourn Neighbourhood Plan (NP) has been made and now forms part of the development plan. An opportunity has been given for the parties to comment on its significance for the appeal. I have determined this appeal on the basis of the development plan and national policy in place at the time of making my decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. No.3 St.Mary's Close is a detached single storey dwelling with outbuildings, including a detached garage. It is positioned at the top of the cul-de-sac, set back from the highway with a front garden and driveway.
5. The appeal site lies within a residential area surrounded by built development. Whilst the prevailing character of the street is detached bungalows there is some variety in architectural style and scale of properties in the locality, including the presence of two-storey properties to the north of the appeal site.
6. The proposed dwelling would extend forward of its existing position, however, for the most part it would be on a similar alignment to the adjacent property and would remain set back from the highway.
7. The scale and mass of the proposed dwelling would be significantly larger than the existing dwelling and that of neighbouring properties. Whilst the ridge height of the roof would be increased from that of the existing dwelling it would be similar to the neighbouring dwelling at No.2a St. Mary's Close. However,

- when combined with the significant increased depth of the proposed dwelling this results in a bulky roof.
8. Whilst noting that the appeal site is a generously sized plot, much larger than others in the locality, the proposed dwelling would occupy the majority of the width of the plot. Consequently, the proposed dwelling would have a greater visual impact on the street scene when compared to the existing property and neighbouring dwellings.
 9. Land levels rise gradually to the north of the cul-de-sac. The bulk and mass of the front elevation would be broken up by architectural detailing, including glazed elements, and would not be unacceptable in design terms and therefore would be in accordance with the principles of the National Planning Policy Framework (the Framework) which does not seek to discourage appropriate innovation or change. However, the significantly larger width of the property combined with the increase in height would result in a dominant form of development that would be a conspicuous and incongruous addition to the street scene.
 10. The appeal site is surrounded by built development of varying character. Whilst aspects of the design would reflect existing dwellings in the locality, for the reasons stated above, the overall scale, bulk and mass of the proposed dwelling would not sit comfortably within the street scene. Although the appeal site is located at the top of the cul-de-sac, the proposed dwelling would be visible from public and private views on St. Mary's Close.
 11. The appellant has drawn my attention to various properties in the locality which he considers to be relevant to the context of the appeal site and its acceptability. I do not know the background to those developments, however, based on the limited information before me I do not consider the sites and development to be directly comparable. Limited information has been provided of a previous refusal of planning permission for two dwellings on the appeal site. In any event, I have determined this case on its own merits.
 12. The proposed palette of external materials, including brickwork and timber cladding, would be appropriate given the site context. The external materials of construction could be conditioned should I be minded to allow the appeal, however, it would not overcome the harm I have identified.
 13. I note the age of the development plan, however, the Framework is clear that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the current version of the Framework. In this case, the design policies of the development plan are consistent with the overall aim of the Framework and accordingly they are afforded significant weight.
 14. For the above reasons, I conclude that the proposed dwelling would be materially harmful to the character and appearance of the area. There is conflict with Policies 69 and 70 of the St. Albans District Local Plan Review 1994 (LP). Amongst others, these policies require new housing development to have regard to its scale and the setting and character of its surroundings. It would also conflict with Policy Red10 of the NP which requires development to reflect the scale and grain of the settlement pattern in the character area it is found in or adjacent to and reflect plot size. I also find conflict with the Framework which requires development to be sympathetic to local character.

Other Matters

15. Local residents have expressed a wide range of concerns including, but not limited to loss of privacy, sunlight and daylight and views. However, I note that these matters were considered by the Council at the application stage and did not form part of the reason for refusal. Whilst I can understand the concerns of local residents, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters. I am also satisfied that the proposed dwelling would provide for satisfactory living conditions for the future occupiers of the dwelling. As this would be a replacement dwelling, and it would have similar vehicle movements, I do not have any highway concerns.
16. The appeal site lies outside of Redbourn Conservation Area (CA). Given the separation distance between the dwelling and the CA boundary the Council states that the proposed development would not have a negative impact upon it. Based on the plans, and as observed at my visit, I am satisfied that the appeal site is positioned sufficiently far enough away from the CA that the site does not contribute to its setting and that the proposed development would therefore not impact upon it.
17. The Council have drawn my attention to Policy Red11 of the NP. There is no evidence before me to suggest that the proposed development would not meet the criteria of this policy as the proposal incorporates energy efficient measures and a condition could be included for the inclusion of an electric car charging point if I were to allow the appeal.

Planning Balance

18. The Council do not contest that they cannot demonstrate a five-year deliverable supply of housing. As a replacement dwelling the proposal would have a neutral contribution to the Council's housing land supply. The development would give rise to some economic benefits during the construction phase and provide limited support to local services. I note that biodiversity gains could be provided through enhanced landscaping, and that the precise details of the hard and soft landscaping could be conditioned, if I were to allow the appeal. Whilst these elements weigh in favour of the proposal, given the small scale of the development proposed, these benefits are limited.
19. The adverse impacts of the development would significantly and demonstrably outweigh the limited benefits when assessed against the policies in the Framework when taken as a whole. Further to the above, and having regard to paragraph 11 of the Framework, the development would not therefore benefit from the presumption in favour of sustainable development.

Conclusion

20. I conclude that the proposed development would have a harmful impact upon the character and appearance of the area. The proposal conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, including the Framework, for the reasons given above the appeal is dismissed.

R. Gee INSPECTOR