



Appeal Decision

Site visit made on 31 January 2024

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 29TH February 2024

Appeal Ref: APP/B1930/W/23/3326889

149 Hatfield Road, St Albans, Hertfordshire AL1 4LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Maroof Khan against the decision of St Albans City Council.
 - The application Ref 5/23/0577, dated 15 March 2023, was refused by notice dated 26 July 2023.
 - The development proposed is the demolishing of existing dilapidated store building with replacement of new 2 storey store building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has confirmed that his name was misspelt on the original application form and consequently I have used the correct spelling.
3. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023 and is a material consideration to this appeal. Having considered the revisions to the Framework, as well as the principles of natural justice, together with the nature of the determining issues in this appeal I do not consider it necessary, in this instance, to invite any submissions from the parties on the revised Framework.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of 159A Hatfield Road and 2 Sandfield Road with particular reference to whether the proposal would be overbearing.

Reasons

5. The appeal property comprises an existing store that is set back from Sandfield Road and is also located to the rear of properties that front Hatfield Road.
6. 159A Hatfield Road (No 159A) is set back from Hatfield Road by some distance and so its outside amenity area is adjacent to the appeal property. The proposed store would abut the common boundary with this neighbouring property. The proposal would result in a substantial two storey block of development with an overall height that would be clearly visible from the neighbouring outside space. Due to the height, mass and scale of the proposed building it would unacceptably dominate the outlook from this outside amenity area and would appear overbearing. Consequently, it would be detrimental to

the living conditions of the residential occupiers of No 159A when using their outside amenity area.

7. Part of the outside amenity area of 2 Sandfield Road (No 2) immediately abuts the appeal site. I observed at the site visit that the garden area of this property is split in two with a fenced off area immediately outside the dwelling at No 2 which is separated from the rest of the space which comprises a paved area and a newly constructed outbuilding.
8. The proposed development would result in the introduction of a substantial two storey block of development with an overall height that would again be clearly visible from the outside amenity area of this neighbouring property, particularly the area immediately next to the appeal property. Due to the height, mass, and scale of the proposed building it would unacceptably dominate the outlook from this neighbouring property and would appear overbearing. Consequently, it would be detrimental to the living conditions of the residential occupiers of No 2.
9. I therefore conclude that the proposal would have an unacceptable harmful impact on the living conditions of the occupants of 159A Hatfield Road and 2 Sandfield Road as the proposal would appear unacceptably overbearing. As a result, the proposed development would be at odds with the Framework which seeks to ensure development creates places with a high standard of amenity for existing and future users.
10. In their reason for refusal, the Council have cited Saved Policy 72 of the St Albans District Local Plan Review adopted 30 November 1994. However, this policy deals with extensions to dwellings and other buildings in residential areas. As the proposal does not involve an extension, this policy does not appear to apply to this case. However, that does not alter the fact that the proposal would be at odds with national planning policy as set out in the Framework.

Other Matters

11. I appreciate that the existing store may not be fit for purpose and the replacement of a flat roofed building with a two-storey building with a sloping roof allowing an additional room upstairs would be more cost effective and would use the land efficiently. However, these matters do not outweigh the harm I have identified above.
12. Moreover, I accept that the proposal would not result in an unacceptable level of overlooking, however this is a neutral factor in the determination of the appeal. I also note that the appellant is concerned that the Council is anti-development. However, I have determined this appeal on its individual planning merits and have concluded that the proposed development would harm the living conditions of neighbouring residents. The appellant's perception of the Council's stance on development has not altered my findings.

Conclusion

13. In summary, for the reasons set out above, the proposal conflicts with national planning policy as set out in the Framework. Therefore, the appeal should be dismissed.

S Rawle

INSPECTOR