
Appeal Decision

Site visit made on 20 February 2024

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 29 April 2024

Appeal Ref: APP/B1930/W/23/3320903

Capstan House, 182-184 Hatfield Road, St Albans AL1 4JG

- 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 Sony Sadaf Haroon Limited against the decision of St Albans City and District Council.
 - The application Ref 5/22/1740, dated 9 July 2022, was refused by notice dated 25 October 2022.
 - The development proposed is the raising and alterations to roof and construction of three storey side and rear extension with basement below and part first floor, part second floor rear extension to create eight, one bedroom and one, two bedroom flats, and new ground floor retail unit, new front façade and associated works.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 6 March 2024.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The amendments of the National Planning Policy Framework (the Framework) were published in December 2023. These amendments do not alter the basis upon which this appeal has been assessed.
3. As part of the appeal the appellant submitted an amended design for the proposed development. However, there has been only limited opportunity for the Council and others to assess the scheme and determine whether it would overcome the objections which have been raised. Accordingly, this appeal has been determined based upon the application scheme which was the subject of assessment by the Council and consultation with the occupiers of neighbouring properties who made comments at the application stage.

Main Issues

4. It is considered that the main issues are the effects of the proposed development on (a) the living standards of the future occupiers and (b) the safety of other highway users.

Reasons

Living Standards

5. The proposed development includes extensions to an existing 2 storey property located within an urban area to enable its re-use for apartments at first and second floor levels with commercial uses at ground floor level.
6. The Council cannot identify a 5-year supply of deliverable housing sites and the appellant claims that the presumption in favour of sustainable development, as expressed at paragraph 11 of the Framework, applies to the appeal scheme. This is a material consideration and planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.
7. The Framework also refers to refusing applications which fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, the Framework seeks a flexible approach being taken in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site, as long as the resulting scheme would provide acceptable living standards.
8. In this case, the appellant's own evidence identifies that the outlook from the proposed bedroom of Flat 2 would not be perfect. The outlook from Flats 3, 4 and 8 is also described as not being ideal. In addition, the evidence indicates that the levels of daylight and direct sunlight received by at least 5 flats would be below the relevant standards.
9. Individually failing to achieve the relevant daylight or sunlight standards and having a less than ideal outlook for some flats might attract the application of the flexible approach identified in the Framework to securing the effective re-use of a site within the urban area. However, when assessed cumulatively, these deficiencies would fail to provide acceptable living standards for the future occupiers and, as such, this adverse impact would significantly and demonstrably outweigh the benefits of the re-use of a site within an urban area for housing purposes.
10. Accordingly, on this issue it is concluded that the proposed development would not result in satisfactory living standards for the future occupiers and, as such, it would conflict with Policies 69 and 70 of the St Albans District Local Plan Review (LP), specifically the orientation of dwellings, and the Framework concerning providing an acceptable living standard for future occupiers

Highways Safety

11. No off-street parking is proposed and the appeal scheme would result in the loss of 4 on-plot parking spaces associated with the existing commercial use. LP Policy 40 would require 9 parking spaces to be provided as part of the proposed development. A full copy of the Council's *Revised Parking Policies and Standards* has not been provided but the appellant has identified that in the locality of the property schemes below the required parking standards might be acceptable but that the Council would still seek sufficient spaces to meet likely parking demand.

12. During the site visit it was noted that other apartment schemes, including Richmond Court and Grymsdyke Lodge, possessed off-street parking albeit the ratio between the number of spaces and flats could not be determined. However, the appellant has referred to schemes elsewhere within St Albans where parking provision associated with apartments do not comply with the standards. The appellant has identified that these other schemes benefit from being in locations which are accessible to local facilities and public transport which are claimed to apply to the location of the property. However, from the information provided, these other schemes appear to have been assessed on their individual circumstances and this is the approach which is adopted for determining this appeal.
13. Census data provided by the Council shows higher than average levels of vehicle ownership in Clarence Ward. However, as identified by the appellant, some of the future occupiers of, in particular, the 1-bedroom flats may well not own a vehicle but there is no specific evidence about the likely demand for parking spaces from the future residential and commercial occupiers of the appeal scheme. There is no suggestion that the appeal scheme would be a car free development.
14. The streets around the property are the subject of daytime parking controls which limit the time for a vehicle to park or restrict on-street parking to permit holders. There is a large car park associated with a Morrisons supermarket but its use is primarily for shoppers and there are limitations on parking periods, including outside normal opening hours. The parking spaces associated with Luna Place, which neighbours the property, are for the use of the residents and visitors to this mixed use scheme.
15. The appellant has provided a survey of available on-street parking spaces adopting a methodology used by the Council of the London Borough of Lambeth to assess parking pressure. Based upon this survey, and even adopting the Council's preferred 6 metre allowance for the length of a space, the appellant's nighttime parking survey does indicate that there are on-street parking spaces which would be available for use by the future occupiers of the appeal scheme.
16. However, the site visit was undertaken during the middle of the day and it was observed that the residential streets, including Sandfield Road and Harlesden Road, had a very limited number of parking spaces available. There were more spaces along Hatfield Road but the time period for parking is limited to an hour. Accordingly, although there is evidence that future residents could park on-street during the nighttime there is no similar survey information to determine whether sufficient spaces would be available during the daytime. If sufficient spaces are unavailable then there is the potential for inconsiderate parking to occur which could represent a danger to other highway users.
17. For these reasons, the Council's concern about the absence of off-street parking for the future residential and commercial occupiers leading to significant parking pressures in this location is realistic. Accordingly, it is concluded that the proposed development would cause unacceptable harm to the safety of other highway users and, as such there would be a conflict with the parking requirements of LP Policies 39 and 40.

Other Matters

18. Comments have been made by local residents about the potential of the proposed development to adversely affect their living conditions but the Council has not assessed that such harm would be caused. There are no reasons to depart from the Council's assessment but this does not alter the conclusions related to the main issues which have been identified.
19. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR