



Appeal Decision

Site visit made on 11 June 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: 28.06.2024

Appeal Ref: APP/B1930/W/24/3340240

59 Green Lane, St Albans, Hertfordshire AL3 6HE

- 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 Mr K Mostafa against the decision of St Albans City and District Council.
 - The application Ref 5/22/2975, dated 15 December 2022, was refused by notice dated 22 September 2023.
 - The development proposed is the demolition of existing house and construction of a new detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the surrounding area, including the streetscene, and (b) the living conditions of the occupiers of neighbouring properties.

Reasons

Character and Appearance

3. The appeal site is situated within a primarily residential area where there is a mix of dwelling types and sizes, including terraced, semi-detached and detached properties. There is a mix of bungalow and 2-storey dwellings and variations in whether either their eaves or gables face towards the road. However, the terrace of 4 dwellings within which the appeal site is situated is of a similar design as the residential properties which front the northern and, after a bend, western sides of Green Lane. Although some of these dwellings have side extensions, these terraced and semi-detached properties have similar footprints, their eaves face the road and they possess similar fenestration.
4. The proposed development includes the demolition of an end of terrace 2-storey dwelling and the erection of a replacement 2-storey detached residential property. The proposed dwelling would be taller and wider than the neighbouring properties; possess a larger footprint; have a gable facing towards Green Lane and wider window openings. In addition, although sited in a similar location to 61 and 63 Green Lane, the front elevation of the proposed dwelling would be sited further forward than the retained 3 properties which comprise the original terrace.

5. Within the context of the neighbouring properties, the scale and design of the proposed dwelling would represent an incongruous and conspicuous addition to the streetscene. Although there are variations in the design and form of residential properties fronting Green Lane, rather than respecting its immediate context the siting, scale and design of the proposed dwelling would result in a visually prominent and discordant addition to the streetscene along the northern side of the road. The choice of external material would not mitigate this unacceptable harm.
6. As identified by the appellant, there are examples of dwellings with their gables facing towards Green Lane and these were visited during the site visit. However, these other examples do not share the same context as the appeal site in terms of the uniformity of the design, scale, height, width, orientation and form of the terraced and semi-detached dwellings within which the appeal site is located. Only limited weight is given to these other schemes in the assessment of this appeal. For the same reasons, only limited weight is given to the comparison of the depth of the proposed dwelling with the properties sited to the south of Green Lane.
7. On this issue it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area, including the streetscene, and, as such, it would conflict with Policies 69 and 70 of the St Albans District Local Plan Review (LP). Amongst other matters, these policies require development to have an adequately high standard of design taking into account its context and the design of new housing development should have regard to its setting and the character of its surroundings. These policies are consistent with the National Planning Policy Framework (Framework) which seeks a high quality standard of design.

Living Conditions

8. The footprint of the proposed dwelling would extend further rearwards than the neighbouring properties. Part of the additional depth would be associated with a single storey element but the majority would be 2-storeys in height albeit with a pitched roof sloping away from the shared boundaries with Nos. 57 and 61. Within the rear elevations of these neighbouring properties are openings which serve habitable rooms and there are patio areas adjacent to these elevations. The patio area of No. 57 has a canopy.
9. By reason of its depth, scale and siting adjacent to the shared boundaries, the proposed dwelling would represent an overbearing form of development for the occupiers of the neighbouring properties. The outlook from some of the windows, the patio area and parts of the garden would be visually dominated by the side elevations of the proposed 2-storey flank walls.
10. Reference is made by the appellant to the potential erection of a 6 metre deep rear extension for which prior approval has been obtained (Ref 5/2019/0177). However, such an extension would only be single storey in height which contrasts with the 2-storey flank walls of the appeal scheme being sited adjacent to the shared boundaries. Only limited weight is given to this potential to erect such an extension in the determination of this appeal.
11. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of neighbouring properties by reason of being overbearing and, as such, there

would be a conflict with the Framework which requires a high standard of amenity for existing and future users. LP Policies 69 and 70 do not specifically raise matters related to a proposal being overbearing.

Other Matters

12. The Council acknowledge that there is not a 4-year supply of deliverable housing land within the District and, as such, the presumption in favour of sustainable development identified in the Framework applies. However, the unacceptable harm which has been identified, together with the conflict with both the design aspirations of LP Policies 69 and 70 and the Framework's high quality design and living conditions requirements, significantly and demonstrably outweigh the benefits, particularly where the appeal scheme is for a replacement dwelling rather than adding to the number of homes in the District. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR