
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: 1st July 2024

Appeal Ref: APP/B1930/W/24/3338726

13 Briar Road, St Albans, Hertfordshire AL4 9TH

- 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 Steve Murphy (J Murphy Developments) against the decision of St Albans City and District Council.
 - The application Ref 5/23/1683, dated 11 August 2023, was refused by notice dated 2 February 2024.
 - The development proposed is the erection of a new detached dwelling with new double garage and new vehicular cross over with new boundary fencing.
-

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 streetscene and (b) the safety of other highway users.

Reasons

Character and Appearance

3. The proposed development includes the erection of a detached dwelling to the side of a pair of semi-detached properties situated within primarily residential area. The appeal site it is located at the junction between Brair Road and Thorpefield Close. A single storey double garage is proposed within the dwelling's rear garden with access from Thorpefield Close.
4. As identified by the appellant, development of individual dwellings on corner plots has occurred within the surrounding area. However, although these other schemes were visited, their detailed planning circumstances have not been provided and, as such, this appeal has been determined based upon its own circumstances.
5. The site is part of the garden associated with 13 Brair Road and would represent an efficient use of land within an urban area. The National Planning Policy Framework (the Framework) excludes gardens from the definition of previously developed land. However, the Council has not objected to the principle of the proposed development and has acknowledged that, in the absence of a 4-year supply of housing land, the Framework's presumption in favour of sustainable development applies to the appeal scheme. The erection

of the proposed dwelling would only represent a very modest contribution to the housing land supply.

6. Although the principle of the appeal scheme is not objectionable, the Framework seeks a high quality standard of design which is consistent with the design aspirations of Policies 69 and 70 of the St Albans District Local Plan Review (LP), including proposals having regard to their setting and the character of its surrounding area.
7. The proposed dwelling's front elevation would align with the adjacent pair of semi-detached properties. There are variations elsewhere along Brair Road in the setting back of some dwellings from the footways. Accordingly, the siting of the proposed 2-storey dwelling would integrate into the streetscene along Brair Road.
8. The proposed dwelling would be of a similar width as some other properties fronting Brair Road which possess 2-storey side extensions. However, the design includes 2 front gable projections and these features would accentuate the width and size of the proposed dwelling when compared to the near-by properties, in particular No. 13. Further, because of these gable projections, the design of the proposed dwelling would also fail to respect and integrate with the simpler character and appearance of the properties fronting Blair Road.
9. In addition to conflicting with the high quality design aspirations of the Framework and LP Policies 69 and 70 in terms of the context of the area, there would also be a conflict with Policy D4 of the Sandridge Neighbourhood Plan (SNP) which requires new development to be integrated with existing developments by reflecting the character of the frontage of nearby properties.
10. Although the presumption in favour of sustainable development applies, in this case the unacceptable harm associated with the design and size of the proposed dwelling would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. On this issue it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the streetscene and, as such, it would conflict with LP Policies 69 and 70, SNP Policy D4 and the Framework.

Highway Safety

11. The vehicular access to the proposed double garage is from Thorpefield Close and would necessitate the construction of a dropped kerb and crossover. Although separate approval is required from the Highway Authority to construct the crossover and dropped kerb, the access forms part of the appeal scheme. At least the principle of this element of the proposed development requires to be assessed as part of this appeal in terms of its impact on the safety of other highway users. As an access onto a highway, LP Policy 34 requires there to be a consideration of road safety, including a particular requirement for the provision of adequate visibility.
12. It was observed during the site visit that there are several dropped kerbs and crossovers which are of similar width as, or wider than, the proposed vehicular access. Further, Thorpefield Close is a cul-de-sac which serves a limited number of residential properties and during the site visit only 1 vehicle movement was observed with no pedestrian movements.

13. However, it would be necessary for a vehicle either entering or exiting the garages/parking spaces to undertake a reversing manoeuvre. The layout of the appeal scheme is such that the parking spaces would be contiguous with the back edge of the footway. Either side of these parking spaces and fronting the footway some form of means of enclosure exist, including a recently erected wooden fence along the site's boundary. There is no indication on the submitted drawings that the means of enclosure would be chamfered to improve any visibility splays associated with the parking spaces.
14. The existence of the highway verge could enable the provision of adequate visibility for drivers exiting the parking spaces to see vehicles travelling along Thorpefield Close. However, especially if a reversing manoeuvre was involved, there is no similar degree of certainty that a driver exiting the parking spaces would see pedestrians walking along the footway because of the siting of the means of enclosure and the lack of appropriate visibility. Even noting the lack of movements during the site visit, there would still be a potential danger to pedestrians walking along the footway.
15. In the absence of further details concerning the availability of adequate visibility for pedestrians for drivers entering/exiting the parking spaces, it is concluded that the proposed development would cause unacceptable danger to the safety of other highway users and, as such, it would conflict with LP Policy 34.
16. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR