
Appeal Decision

Site visit made on 23 October 2024

by **J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 November 2024

Appeal Ref: APP/B1930/W/24/3345647

29 Oakfield Road, Harpenden, Hertfordshire AL5 2NW

- 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 MHL against the decision of St Albans City & District Council.
 - The application Ref is 5/23/0199.
 - The development proposed is erection of bungalow to the rear of the existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the appeal site and the surrounding area.

Reasons

3. No 29 is a two storey detached dwelling located on a corner plot next to the junction of Oakfield Road and Oak Way. The surrounding area is residential in character and includes detached dwellings of individual design and appearance.
4. Policy 69 of the St Albans District Local Plan Review (1994) requires a high standard of design in all development, taking account of the context in terms of the scale and character of the surroundings. Policy 70 requires that the design of new housing development should have regard to its setting and the character of its surroundings.
5. There have been several previous proposals for a dwelling on land to the rear of No 29. The most recent was the subject of an unsuccessful appeal¹. That case involved a larger dwelling than proposed here. Nonetheless, I am mindful that appeal decisions should be consistent and, therefore, I have had regard to the Inspector's findings about the character and appearance of the area, which took account of the findings in an earlier unsuccessful appeal for a single dwelling.
6. Both Inspectors noted that the area comprised substantial dwellings occupying generous plots and that the spacious concept of the original layout is clearly

¹ APP/B1930/A/12/2173921 dated 26 November 2012.

apparent when seen across the flanks of corner plots such as the appeal site. Despite the relative age of the two previous appeal decisions, the layout of development and overall characteristics of the area have not altered.

7. The proposed dwelling would occupy the rearmost part of No 29's back garden and would have a frontage on Oak Way. Properties on Oakfield Road and Oak Way close to the appeal site are predominantly two storey detached dwellings set within generous plots of consistent size with large rear gardens. The exception to the predominant dwelling type is No 1 Oak Way, which is a bungalow next to the appeal site. As such, in principle a single storey dwelling in this location would not be uncharacteristic.
8. However, the size of the established plots are materially larger than the appeal site, both in terms of depth and frontage width. This is apparent from many of the properties on Oak Way having 'in and out' driveways on their frontages. Related to the width of the plots is the size of existing dwellings, with No 1 next to the appeal site having two projecting gables connected by a central feature. These elements form a substantive bungalow with a large footprint across the wide plot.
9. By contrast the proposed dwelling would be materially smaller than is characteristic of properties in the surrounding area, reflecting the smaller size of the appeal site. This contrast would readily be apparent from the public realm and neighbouring properties, from which views the new dwelling would appear as an incongruous and uncharacteristic addition to the established street scene.
10. The submitted plans include a comparison between the size and location of a previously approved building housing a swimming pool and the proposed dwelling. While the two buildings are of similar size, relative to the host dwelling and its neighbours the swimming pool clearly has the scale and appearance of a subordinate outbuilding within the enclosed garden. The comparison between the proposed dwelling of similar scale and proportions to this ancillary building, with a separate curtilage and frontage onto Oak Way, serves to reinforce the above finding that the new dwelling would appear incongruous and uncharacteristic in this setting.
11. The appellant draws comparison between the appeal proposal and other examples of recent development in Harpenden and St Albans. It is contended that similarities exist due to the lack of visibility of the plot depths in each case; that there is variation in development style and plot size within the surrounding area; and that there are existing examples nearby of plot subdivision, as proposed here.
12. However, the street scene of which the appeal site is part is a self-contained area of established dwellings with their own character and appearance, including large plot sizes and substantive detached dwellings. These other examples are not part of the same street scene and, therefore, direct comparisons cannot be made and these other developments do not overcome the harm that has been found in this case.
13. I acknowledge, however, that there are examples of subdivided plots near the appeal site, at Nos 6 and 8 Oak Way, both of which are also corner plots and which were the subject of appeal decisions. The Inspector in the most recent appeal, referred to above, assessed these proposals in some detail and found that they

were not comparable to development of the appeal site. These considerations, which are set out fully in the appeal decision, do not require repeating here and I have no basis to find differently in this case. I have, however, had regard to the appellant's contention that the plot sizes of the dwellings behind Nos 6 and 8 and the size of the appeal site are similar; and that the shorter depth of the plots compared to the established plots would not readily be visible from the public realm.

14. It has been found above that a principal difference between the proposed dwelling and the established character of the area is that the dwelling itself and the plot's frontage would be materially smaller than neighbouring dwellings. This would be particularly apparent from the public realm and neighbouring properties and I note that the appellant acknowledges that the appeal site is not as wide as the other nearby subdivided plots. Therefore, despite the arguments concerning the relative size of the plots, these previous proposals are not a sufficient reason to set aside the harmful effects that would result from the current proposal.
15. Therefore, for these reasons, I conclude that the proposed dwelling would have an unacceptably harmful effect on the character and appearance of the appeal site and the surrounding area. Consequently, it is contrary to Policies 69 and 70 of the St Albans District Local Plan Review, as described. It is also contrary to the National Planning Policy Framework (the Framework), which advocates good design.
16. The appellant contends that Policies 69 and 70 are narrowly drawn compared to the more recent design-related guidance in the Framework. However, despite the age of the Local Plan, I consider that these policies are broadly consistent with the Framework's provisions concerning good design. Reference is also made to Policy ESD1 of the Harpenden Neighbourhood Plan. As it has been found that the proposal would not maintain or enhance the character of the area, it is contrary to this policy.

Other Matters

17. I have had regard to all the representations made by interested parties. These do not, however, raise any additional matters in relation to the main issue in this appeal that would lead me to reach a different overall conclusion.
18. It is common ground between the main parties that the Council cannot identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing, as required by the Framework². The appellant refers to the level of supply as 1.7 years and that the most recent Housing Delivery Test indicates that delivery of housing was 55% of the housing requirement. No evidence has been provided to suggest that this is not the case, or that the exceptions to this requirement included in the Framework apply³. Consequently, in these circumstances, the presumption in favour of sustainable development is engaged. This requires that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole⁴.

² Paragraph 77.

³ Paragraphs 76, 77 and 226.

⁴ Footnote 8 to paragraph 11d).

19. The shortfalls from the requisite housing supply and delivery are significant and, therefore, should be given considerable weight. The proposed dwelling would be in an accessible location in an established residential area and would optimise the potential use of land; and as a single dwelling it would make a limited, but still important contribution to addressing the shortfalls.
20. Conversely, it has been found that the proposal would cause material harm to the character and appearance of the appeal site and surrounding area. As such, as well as it being contrary to the development plan, it is also contrary to the Framework's requirement that development should be sympathetic to local character, including the surrounding built environment. Moreover, the proposal would not amount to appropriate innovation or change with regard to its effects in this location⁵.
21. I give significant weight to the conflict with the Framework in this regard. Despite the deficiencies in housing supply and delivery, the benefits of a single dwelling are not of sufficient weight to overcome the extent of the conflict with the development plan and the Framework. Therefore, I conclude that in this case the adverse impacts of granting permission significantly and demonstrably outweigh the benefits. Hence the presumption in favour of sustainable development does not apply.

Conclusion

22. The proposal is contrary to development plan policies and to the Framework as it would cause unacceptable harm with regard to the effect on character and appearance. Despite the shortfalls in housing supply and delivery, the presumption in favour of sustainable development does not apply and there are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR

⁵ Paragraph 135c).