



Appeal Decision

Site visit made on 26 November 2024

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2024

Appeal Ref: APP/B1930/W/24/3344279

18 Leyland Avenue, St Albans, Hertfordshire AL1 2BE

- 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 Mr Tom Scarth against the decision of St Albans City & District Council.
 - The application Ref is 5/23/2424.
 - The development proposed is a new 3 bedroom dwelling and associated bin/cycle stores.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - 1) the effect of the proposed development on the character and appearance of the area, and
 - 2) whether the proposed development would provide satisfactory living conditions for the future occupants having particular regard to the provision of outdoor amenity space.

Reasons

Character and appearance

3. The appeal site is set on an inside corner where Leyland Avenue curls round towards the end of the cul-de-sac. The road is largely made up of rows of terraced houses arranged into groups of four in a fairly tight-knit arrangement. Many homes have been altered including side and rear extensions, front porches and dormer windows.
4. The proposal seeks to form a two storey side extension to create a new dwelling. This dwelling would, due to its corner position, project towards the road as it curves around and create a degree of enclosure. The corner of the proposed dwelling would project beyond the general building line established by the houses at 2-16 Leyland Avenue. This relationship, however, would not be substantially different to the arrangement of 52 Cottonmill Lane and 2 Leyland Avenue, or with the arrangement between nos. 24 and 26 Leyland Avenue.
5. There would, however, be limited articulation with a largely blank wall and flat roofed rear projection to the dwelling on its side elevation presenting towards

the road. This side aspect would also feature a large amount of hardstanding to provide parking for two vehicles. This would create a featureless and bland elevation to the street that would appear overbearing and oppressive on this corner. Even so, I do recognise that this is not substantially different to the existing side elevation to the present dwelling, albeit that it would be in closer proximity to the road. Nevertheless, the design would fail to take the opportunity for improving the character and quality of an area.

6. As such, I conclude that the proposed dwelling would cause harm to the character and appearance of the area due to the unarticulated appearance of the side elevation and extent of hardstanding and would therefore conflict with policies 69 and 70 of the St Albans City and District Plan 1994 (StADP), Supplementary Design Guidance Design Advice Leaflet No. 1, Design and Layout of New Housing 1998 (DAL) and provisions of the National Planning Policy Framework (the Framework). These policies promote designs and layouts to create attractive spaces.

Living conditions

7. The proposed dwelling offers only a very small rear garden for its future occupants. This garden would be approximately 24 square metres and surrounded on all sides by fencing or the walls of the parent dwelling and neighbouring houses. The small size of the garden makes this oppressive. Additional outdoor space would be in the form of the driveway or front garden and these areas would not be private or useable in a meaningful manner.
8. This rear garden area is well below the 80 square metres which is advocated by the DAL for this size of home. Despite the age of this document, it is not an unreasonable benchmark, and, as has been shown in other decisions by the Council, does not need to be adhered to slavishly. Nevertheless, the provision of a mere 24 square metres is considerably below the mandated area and is inadequate for three-bedroom family accommodation. It would provide little to no opportunity for sitting out or for children to play.
9. The proximity to public open space does offset this to a certain extent however it cannot make-up for this significant shortfall in outdoor amenity space. I have noted reference to the scheme at Sopwell Youth Centre, on Cottonmill Lane¹ however the smallest garden in this development was over double in size and well in excess of the garden proposed here and this difference is substantial in this context.
10. I conclude that the size of the rear garden would provide substandard living conditions for the future occupants. The proposal therefore fails to comply with policies 69 and 70 of the StADP, design expectations of the DAL and provisions of the Framework insofar as the garden area does not reflect the number of persons for which the dwelling is designed.

Other Considerations

11. Set against the harm identified, the proposal would deliver a net gain of one new dwelling which would provide a good standard of internal accommodation. The scheme would be an efficient use of brownfield land in a sustainable location and could be delivered quickly. This would support the Government's aim of significantly boosting the supply of homes and improve the current

¹ Council ref 5/19/1274

shortfall in the housing land supply. However, the addition of one dwelling would be small in this context, and I attach limited weight to this benefit. There would be temporary and ongoing economic benefits from the development but given the single unit proposed those benefits would attract relatively minor weight.

Planning Balance

12. The appeal proposal would cause harm to the character and appearance of the area by virtue of its lack of articulation and overbearing and oppressive aspect towards the street and I attach moderate weight to this harm. The development would provide substandard living conditions for the future occupants by reason of the small rear garden and the magnitude of this harm is substantial.
13. The StADP dates from 1994 but the weight to be attached here does not hinge upon its age. Paragraph 225 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. According to the Framework the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning development process should achieve. It also requires that developments are sympathetic to local character and are visually attractive in terms of good architecture and layout. In addition to good design, the Framework states that developments should ensure a high standard of amenity. Therefore, the conflict between the proposal and policies 69 and 70 of the StADP should be given significant weight in this appeal.
14. It is not in dispute between the parties that the Council cannot presently demonstrate a supply of four years housing land although neither party has given an indication as to the level of shortfall in this regard. Four years supply being applicable to the Council here due to the provisions of paragraphs 77 and 226 of the Framework and the status of the emerging Local Plan.
15. As the Council cannot currently demonstrate a supply of deliverable housing sites, paragraph 11(d)(ii) of the Framework is engaged. Therefore, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
16. The benefits associated with one additional dwelling would be relatively minor, even taking account of the objective of boosting significantly the supply of housing in the Framework and the Council's housing land supply position. The Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
17. Consequently, the adverse impacts of the proposals design on the character and appearance of the area, as well as the harm to the living conditions of the future occupants would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

18. The proposal would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the

appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

N Bowden

INSPECTOR