



Appeal Decision

Site visit made on 18 February 2025

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 March 2025

Appeal Ref: APP/B1930/W/24/3354952

Annex 209 Camp Road, St Albans Hertfordshire AL1 5NB

- 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 P Mair against the decision of St Albans City and District Council.
 - The application Ref is 5/24/0745.
 - The development is a change of use from a 1 bed granny annex to a standalone dwelling house.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The revised National Planning Policy Framework (the Framework) was published in December 2024 but does not raise any new matters which affect the assessment of this appeal scheme.
3. The development subject of this appeal has been undertaken.

Main Issues

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

Reasons

5. The appeal property is a single storey building with accommodation within the roofspace which is located within the rear garden of 209 Camp Road. The property was erected as an annex to No. 209 to provide ancillary accommodation for a member of the household. Although there is a small bathroom and a kitchen area within the property, there would have been some inter-relationship for the occupiers between the annex and No. 209, including sharing the rear amenity area. As ancillary accommodation to No. 209, concerns related to the inter visibility between the annex and No. 209 would not have given rise to concerns about overlooking and loss of privacy.
6. The property is currently occupied as an independent dwelling rather than an annex with access via a footway between Nos. 209 and 211 and from a private driveway at the rear. There is a small patio area associated with the property which is fenced off from the rear amenity space of No. 209. The property is a separate

dwelling and is subject to its own Council Tax liability albeit this is a separate matter to the relevant planning considerations.

7. As claimed by the council, because of the difference in character of use between an annex and an independent dwelling it is appropriate to assess the appeal scheme as a dwelling. Accordingly, some matters which may have been acceptable to the council when the property was to be erected as an annex may no longer be appropriate for a dwelling.
8. Although not in an adopted policy, an assessment has been made by the council of the floorspace of the dwelling against the *Technical housing standards – nationally described space standard*. The standard is a useful guide concerning the suitability of the accommodation being provided. As a 2-storey dwelling which could be occupied by 2 people, the floorspace standard refers to 58sq m whereas the actual floor area is circa 48sq m. The floorspace is below the standard and, as such, this shortfall is given significant weight in the determination of this appeal.
9. Further, the council has identified that the garden associated with the dwelling should be 40sq m but only 18sq m is provided. The occupation of the property as an annex does not necessitate a separate amenity space being provided. If there was greater internal floorspace then a lower provision of amenity space could potentially be acceptable but this is not the situation in this case. Accordingly, the application of these internal and external space standards does demonstrate that the size of the property fails to provide sufficient accommodation for the property to adequately function as an independent dwelling.
10. A planning condition was imposed to require the rooflight serving the bedroom to be obscurely glazed and non-opening. The rooflight has been erected on this basis and currently precludes overlooking and the loss of privacy for the occupiers of Nos. 207, 209 and 211. Protecting the privacy of the occupiers of neighbouring properties was the reason for the condition being imposed. However, the previous Planning Officer's report does not appear to have given any detailed consideration of the implications of the condition on the living standards of the occupiers of the property as an annex. It is appropriate for these to be assessed particularly in circumstances where the property is being occupied as a permanent independent dwelling.
11. The rooflight serves a bedroom and there should be an expectation that the occupiers of the dwelling can have an outlook from a habitable room and access to natural ventilation with the ability to open a window. This could be achieved if either the existing or proposed rooflight was clear glazed and capable of opening. However, clear glazing and an opening rooflight would enable overlooking of Nos. 207, 209 and 211 with an associated loss of privacy thereby causing unacceptable harm to the occupiers of these neighbouring properties. For this reason, the rooflights need to be obscure glazed and non-opening and, as such, satisfactory living conditions for the occupiers of the dwelling cannot be provided.
12. For the reasons given, it is concluded that the development fails to provide satisfactory living conditions for the occupiers of the dwelling and, as such, it conflicts with Policy 70 of the St Albans District Local Plan Review (LP) and the Framework. Amongst other matters, this policy refers to appropriate amenity space being provided for new housing and the Framework requires developments to provide a high standard of amenity for existing and future users.

Highway Safety

13. The council has raised concerns about the lack of parking provision associated with the dwelling and the availability of space along the roads for on-street parking. From what was observed during the site visit, some the occupiers of the properties fronting Camp Road rely upon on-street parking for their vehicles albeit other dwellings have on-plot spaces within their front garden. There are parking restrictions along part of the road, including associated with the near-by primary school.
14. However, the size of the dwelling does not generate significant traffic or demand for parking spaces and may equate to the property's occupancy as an annex as claimed by the appellant. On this basis the appellant's claim that the effect on parking demand provision along the adjacent roads is neutral has substance. In any event, during the site visit there was space available for on-street parking to occur without causing a danger to the safety of other highway users, including pupils attending the school.
15. Further, the creation of an additional bedroom by the erection of the annex and the associated loss of on-plot parking spaces did not result in an objection to the previous application. The previous Planning Officer's report referred to the proposed annex complying with the requirements of LP Policies 39 and 40 concerning general parking provision and provision for spaces related to residential development. The parking demands associated with No. 209 and the appeal scheme have not materially changed since the previous assessment to necessitate the need for additional parking spaces to be identified. The number of bedrooms available has not changed despite the dwelling being independent from No. 209.
16. For the reasons given, it is concluded that the development does not cause unacceptable danger to the safety of other highway users by reason of parking provision and, as such, it does not conflict with LP Policies 39 and 40. LP Policy 34 is not of direct relevance because it refers to developments which generate a significant amount of traffic which the appeal scheme does not.

Other Matters

17. Local residents have also raised concerns relating to the use of the property not having been occupied as an annex and the rooflight not being obscurely glazed albeit this was the situation at the time of the site visit. These matters do not alter the assessment of the appeal scheme against the main issues which have been identified.
18. Although the development does not represent an unacceptable danger to the safety of other highway users by reason of parking provision, this matter is demonstrably outweighed by the significant harm which is to be caused by the unsatisfactory living standards for the future occupiers. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR