



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/24/3353913

214C Hatfield Road, St Albans, Hertfordshire AL1 4LW

- 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 K Somani against the decision of St Albans City and District Council.
 - The application Ref is 5/23/2131.
 - The development proposed is the conversion of an existing commercial unit with minor extensions and access stairway to form 4 no. s/c flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

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.

Main Issue

3. It is considered that the main issue is whether the proposed development would provide satisfactory living standards for the future occupiers.

Reasons

4. The proposed development includes the conversion of an existing large single storey workshop style building into a 2-storey property containing 4 studio flats. Two storey extensions are proposed at the front and rear of the building. The building is located to the rear of a 2-storey property (214 Hatfield Road) with commercial use at ground floor and residential above. As part of the proposed development the fenestration at the rear of No. 214 would be reconfigured by removing a kitchen window and erecting obscured glazing in a secondary bedroom window. These changes to the fenestration are proposed to address concerns about loss of privacy raised by the council when refusing a previous scheme for a similar proposal (Ref 5/2023/0452).
5. Although outlook is not specifically mentioned in Policy 11 of the St Albans District Local Plan Review (LP), this policy does require satisfactory living conditions being created for conversion schemes. The policy does refer to some specific matters but it is not drafted as an exclusive list of considerations. Further, the Framework refers to developments providing a high standard of amenity for existing and future

users without identifying any specific considerations beyond the footnote's reference to optional technical standards for accessible and adaptable housing.

6. With the erection of the proposed front extension, there would be a gap of approximately 4.5 metres between proposed main windows of 2 flats and the rear elevation of No. 214. The outlook from these proposed windows would be dominated by the rear elevation of No. 214 which would result in unsatisfactory living conditions for the future occupiers of these 2 flats. The poor quality of the outlook would be accentuated by the inclusion within the view of an area used for vehicle parking associated with the neighbouring garage/car sales use.
7. To access the front door of the first floor flat an external staircase is proposed sited adjacent to the front extension. The siting of the proposed staircase would have a further detrimental effect on the outlook of the occupiers of the proposed ground floor flat. In addition, people using the staircase would have the ability to see into the ground floor flat and this would adversely affect the privacy of its future occupiers and adversely affect their living standards.
8. The proximity of the proposed windows to the rear elevation of No. 214 would have some effect on levels of sunlight and daylight reaching the habitable space within the flats. The effect on levels of daylight and sunlight reaching windows, which would be oriented to face north, raises a potential conflict with LP Policy 70. Although alone it is not a reason for this appeal to fail, this matter adds to the unacceptable harm which has been identified.
9. At the rear of the property is a parking area associated with a primary school. The council claims that the ground floor rear flat which overlooks the parking area would not have a defensible space because there would be overlooking by people parking their vehicles. If this appeal succeeded then it would be possible to impose a condition the effect of which could be to secure appropriate boundary treatment to preclude overlooking and thereby create a defensible space.
10. There would be a general lack of amenity space or other provision for the future occupiers of the appeal scheme which would further adversely affect their living standards. Other flatted schemes have been approved without extensive areas of amenity space but these were assessed on their own planning circumstances. Although on its own this matter would not be a reason for this appeal to fail, it does add to the unacceptable harm which has been identified and also adds to the general impression that the proposed development would not represent a well-designed place which would provide a high standard of amenity for existing future occupiers.
11. For the reasons given, and although a defensible space could be secured by condition, it is concluded that the proposed development would fail to provide satisfactory living standards for the future occupiers and, as such, it would conflict with LP Policies 11 and 70. LP Policy 72 is concerned with extensions within residential areas but, in this case, the property is surrounded by primarily commercial and education uses rather than housing.

Other Matters

12. There is an acknowledgement by the council that it cannot demonstrate a 5-year supply of deliverable housing land and, as such, the presumption in favour of sustainable development identified in the Framework is a significant material

consideration in this case. Further, the proposed development would make effective use of previously developed land within the urban area and the proposed flats would be in a sustainable location which has good access to local facilities and public transport.

13. However, and as already identified, the Framework also refers to developments providing a high standard of amenity for existing and future users and there is also reference to securing well-designed places. In this case, when assessed against the Framework as a whole, the unacceptable harm associated with the design of the appeal scheme failing to provide satisfactory living standards for future occupiers amounts to an adverse impact which significantly and demonstrably outweighs the benefit of erecting the 4 proposed flats on the appeal site. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR