



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: 7th March 2025

Appeal Ref: APP/B1930/W/24/3351029

13 Briar Road, St Albans, Hertfordshire AL4 9TH

- 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 S Murphy (J Murphy Developments) against the decision of St Albans City and District Council.
 - The application Ref is 5/24/0306.
 - The development proposed is the erection of a new detached dwelling with new detached double garage and new vehicular cross over with new boundary fencing.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new detached dwelling with new detached double garage and new vehicular cross over with new boundary fencing] at 13 Briar Road, St Albans, Hertfordshire AL4 9TH in accordance with the terms of the application, Ref 5/24/0306, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 24/SPP ND/000; 24/301; 24/302; 23/ND/303 and 23/ND/304.
 - 3) The external surfaces of the development hereby permitted shall be constructed only of external materials, the type and colour of which match those of 13 and 11 Briar Road.
 - 4) The windows to be erected in the side elevation above the ground floor which face towards 13 Briar Road shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres taken from internal finished floor level. These windows shall not thereafter be altered in any way without the prior written approval of the local planning authority.
 - 5) Prior to the first occupation of the dwelling hereby permitted the vehicular access from Thorpefield Close shall be erected and shall thereafter be retained as shown on Drawing No. 23/ND/304 and in accordance with details/specifications to be submitted to and approved in writing by the local planning authority. The details/specifications shall include arrangements for surface water from the vehicular access to be intercepted and disposed of so that surface water does not discharge onto the highway.

Application for costs

2. An application for costs was made by Mr S Murphy (J Murphy Developments) against the City and District of St Albans and this is the subject of a separate Decision.

Procedural Matters

3. 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.
4. The previous appeal for a similar form of development was determined by me (Ref APP/B1930/W/24/3338726) and I have, therefore, had regard to my previous assessment in determining this appeal. I have noted the differences between the parties in the interpretation of the reasons why the previous appeal was dismissed.

Main Issue

5. It is considered that the main issue is the effect of the proposed development on the character and appearance of the streetscene

Reasons

6. The appeal site is located at the junction between Briar Road and Thorpefield Close. The proposed development includes the erection of a detached dwelling within part of the garden associated with 13 Briar Road to the south of a pair of semi-detached dwellings situated within a primarily residential area with access on foot and cycle to nearby local facilities. The proposed development varies from the previous scheme, including because the front elevation would only have a single projecting gable feature.
7. As identified by the appellant, development of individual dwellings on corner plots has occurred within the surrounding area. However, although these other schemes have been visited, their detailed planning circumstances have not been provided and, as such, this appeal has been determined based upon its own circumstances.
8. Erecting the proposed dwelling on the site would represent an efficient use of land within an urban area. The Framework excludes gardens from the definition of previously developed land but the council has not objected to the principle of the proposed development.
9. 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. These policies are given full weight in the determination of this appeal. Policy D4 of the Sandridge Neighbourhood Plan (SNP) requires new development to be integrated with existing developments by reflecting the character of the frontage of nearby properties.
10. As with the previous scheme, the proposed dwelling's front elevation would align with the adjacent pair of semi-detached properties. There are variations elsewhere along Briar Road in the setting back of some dwellings from the footways.

Accordingly, and as previously assessed, the siting of the proposed 2-storey dwelling would integrate into the streetscene along Briar Road.

11. The proposed dwelling would be of a similar width as some other properties fronting Briar Road, in particular those which possess 2-storey side extensions. Accordingly, the proposed dwelling would not be disproportionately large when compared to these other properties.
12. Further, when compared to the previous scheme the design of the proposed dwelling has been simplified with only a single projecting gable feature being proposed. This amended design would not visually accentuate the width and size of the proposed dwelling when compared to the near-by properties fronting Briar Road. The simpler design of the proposed dwelling would better reflect the character and appearance of the other properties fronting Briar Road. However, 2-storey gable features are not a characteristic of the frontages of near-by properties.
13. Although the size and design of the proposed dwelling would not be so conspicuous so as to make it particularly discordant property compared to the frontages of other near-by properties, it is concluded that the appeal scheme would not fully integrate into the character and appearance of the streetscene along Briar Road. For this reason, it is also concluded that there would be a conflict with SNP Policy D4 and LP Policies 69 and 70, albeit the degree of conflict would be limited in its scale.

Other Matters

14. The council has acknowledged that, in the absence of a 5-year supply of housing land, the Framework's presumption in favour of sustainable development applies and this is given significant weight in the determination of this appeal. The benefits would be the erection of a single dwelling within an existing urban area accessible to local facilities. When balanced against the limited degree of conflict with the relevant development plan policies, it is concluded that this is a case where the identified adverse impacts would be significantly and demonstrably outweighed by the benefits, when assessed against the policies in Framework taken as a whole, including the key policies for directing development to sustainable locations and making effective use of land.

Conditions

15. The council has suggested conditions in the event that this appeal succeeds which have been assessed against the tests identified in the Framework and the Planning Practice Guidance. Where appropriate, these suggested conditions have been amended for reasons of clarity,
16. For reasons of clarity, a condition is necessary to identify the approved drawings. As identified on the approved drawings, a condition is necessary to secure the use of external materials matching those of the neighbouring properties. To protect the living conditions of the occupiers of No. 13, the windows within the side elevation facing this property should be erected using obscure glazing and have any potential for overlooking via open windows suitably limited. For reasons of highway safety, the erection of the garage and associated parking provision is necessary prior to the occupation of the proposed dwelling. There is also a need to prevent surface water from the garage and parking area egressing onto the highway to prevent flooding or a danger to other highway users.

17. Accordingly, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR