



Appeal Decision

Site visit made on 26 February 2025

by **A Wright BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal Ref: APP/B1930/W/24/3352246

1 Ragged Hall Lane, Chiswell Green, St Albans, Hertfordshire AL2 3LA

- 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 Ms Truda Wiltshire against the decision of St Albans City Council.
 - The application Ref is 5/24/0516.
 - The development proposed is the construction of 3 bedroom chalet bungalow including new access, parking and external works.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised, and the 2023 Housing Delivery Test (HDT) results were published in December 2024. As these could affect the issues and matters in this case, the Council and the appellant were invited to make further comments. My decision reflects the latest versions of these documents, and the responses received on them.

Main Issues

3. The main issues in this appeal are the effect of the proposal on:
 - the character and appearance of the area; and
 - road user safety and the free flow of traffic, with particular regard to access arrangements.

Reasons

Character and appearance

4. The appeal site comprises an existing house with a large side garden in a predominantly residential area. The frontages of properties on this side of Ragged Hall Lane are characterised by hedgerows, trees and a grass verge which gives this part of the road a verdant character.
5. The proposed scheme would include a new access onto the lane, requiring the removal of large parts of the hedge to provide the driveway and visibility splay. Although the landscaping is not statutorily protected or specifically identified in an adopted document, the loss of a significant amount of the hedgerow would harm the green and verdant character of this part of the lane.

6. Further, the proximity of the proposed access to the remaining hedge and the need to maintain adequate visibility for the drivers of vehicles egressing the site would potentially lead to the pruning or removal of other parts of the hedgerow in future. This would exacerbate the adverse impact on the area's character.
7. Therefore, I conclude that the proposal would harm the character and appearance of the area. This would be contrary to saved Policy 74 of the St Albans District Local Plan Review 1994 (LPR) and Policies S5 and S6 of the St Stephen Parish Neighbourhood Plan 2022 (NP). Together these require proposals to respond to their surroundings and retain important landscape features including hedgerows.

Road user safety and the free flow of traffic

8. The site lies on an unclassified road where a 30mph speed limit applies. The verge fronting the property and the trees and shrubbery on it are part of the adopted highway.
9. The Highways Authority (HA) indicates that visibility splays of not less than 2.4m by 43m should be provided and kept free from any obstruction between 0.6m and 2m above the level of the adjacent carriageway, in accordance with the Manual for Streets. This is to ensure that the level of visibility for users of the highway and the proposed access is satisfactory.
10. The proposed visibility splays would go through highway trees to the east of the site. This would create a situation where the necessary visibility splay for those exiting the site of vehicles and cyclists travelling westbound would be obscured by highway landscaping.
11. The HA's dropped kerbs policy is not part of the development plan. However, the proposed visibility splays would impinge on a public highway on which trees are present, and the HA's policy is that well established/healthy highway trees cannot be removed from public highways to provide an access. As such, it has not been demonstrated that the proposed scheme would provide a safe and suitable access. This would result in an unacceptable risk of accidents and, therefore, harm to the safety and movement of road users.
12. Consequently, I conclude that the access arrangements would harm road user safety and the free flow of traffic. This would be contrary to saved Policy 34 of the LPR where it requires development to provide adequate visibility in the interests of road safety.

Other Matters

13. The Council did not find harm or development plan conflict in relation to several other matters, including building design, living conditions, flood risk and parking. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposed scheme.

Planning Balance and Conclusion

14. The Council accepts that it cannot currently demonstrate a five year housing land supply required by the Framework and that the 2023 HDT results indicate that the delivery of housing was substantially below the requirement over the previous

three years. As there is a shortfall in housing provision, paragraph 11(d) of the Framework is engaged.

15. Paragraph 11(d)(ii) of the Framework confirms that in such circumstances, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies including directing development to sustainable locations, making effective use of land and securing well-designed places.
16. The Framework seeks to boost housing supply and highlights the important contribution small sites can make. The proposal would make a modest contribution of one family sized home to the supply of housing, making better use of land within a settlement on a site with access to services and public transport. It would contribute towards St Albans' housing supply, making a modest difference to addressing the shortfall, and therefore I attribute moderate weight to this benefit.
17. In contrast, the proposal would harm the character and appearance of the area, and road user safety and the free flow of traffic. I have concluded that the proposed development would conflict with saved Policies 34 and 74 of the LPR and Policies S5 and S6 of the NP. These matters combined carry significant weight against the scheme.
18. Consequently, the harm I have identified significantly and demonstrably outweighs the benefits, when assessed against the policies in the Framework taken as a whole. It therefore follows that the proposal does not benefit from the presumption in favour of sustainable development.
19. For the reasons given above, the proposal would conflict with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

A Wright

INSPECTOR