
Appeal Decision

Site visit made on 11 March 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Appeal Ref: APP/B1930/W/24/3353302

7 Westfields, St. Albans, Hertfordshire AL3 4LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Karuna Hall of R and R W Homes Ltd against St Albans City Council.
 - The application Ref is 5/2024/1149.
 - The development proposed is the demolition of existing bungalow. Erection of two new semi-detached dwellings with associated boundary enclosures, cycle stores and bin stores. New vehicle crossover.
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Decision

1. The appeal is dismissed and planning permission for the demolition of existing bungalow. Erection of two new semi-detached dwellings with associated boundary enclosures, cycle stores and bin stores. New vehicle crossover is refused.

Preliminary Matters

2. The appeal is made against a failure to give notice within the prescribed period of a decision on an application for planning permission. In response to the appeal, the Council has prepared a statement outlining its view that permission should be refused. I have had regard to this statement and the suggested reasons for refusal within it in framing the main issues below.
3. At the final comments stage, the appellant submitted additional information in respect of Biodiversity Net Gain (BNG), including a Biodiversity Net Gain Matrix¹. I consider the proposal before me (should the BNG information be included), is essentially the same as the scheme that was considered by the Council and therefore that the appeal process is not being used to evolve the scheme. Furthermore, the Council has had the opportunity to comment on this information. As such I am satisfied that the information does not alter the proposed development to an extent that anyone involved in the appeal would be prejudiced or impacted should I accept the additional information.
4. The revised National Planning Policy Framework (the Framework) was published in December 2024. However, the changes to national policy arising from it do not materially affect my consideration of the issues before me in this appeal. Accordingly, I have not sought comments from the main parties about this matter.

¹ Dated November 2024, prepared by ProHort Limited

Main Issues

5. The main issues are:

- the effect of the proposed development on the character and appearance of the area; and
- whether the proposed development would make adequate provision for biodiversity net gain.

Reasons

Character and appearance

6. The appeal site forms a prominent corner plot close to the junction between Westfields and Crossfields. Development in the area is typically set back to the rear of largely open frontages and with the grassed verges contribute to the area's spacious character. Buildings vary in scale and include a mix of two-storey and single-storey dwellings comprising semi-detached and detached properties. The site is limited in size and includes a single-storey dwelling set back from the front and side boundaries. Given the prominence of the site close to the junction of Westfields and Crossfields, the open area to the side and front of the existing dwelling contributes positively to the spacious character of the area.
7. The proposal is for a pair of semi-detached dwellings following demolition of the existing bungalow. The dwellings would be set back from the front of the site broadly in line with the dwelling at No 5 Westfields. While the area to the front of the site would largely remain open, the dwellings would encroach towards the boundary fronting Crossfields, significantly reducing the open area to the side of the site and presenting a stark and overbearing elevation to the footway. The dwellings would span the majority of the width of the site and would have a considerable depth. Due to the substantial scale and massing of the dwellings, the proposal would emphasise the limited size of the site and would consequently appear cramped within the plot.
8. The building would have a similar height to other two-storey dwellings in the area. Moreover, the proposal would not be of such a density as to harm the urban character of the area. Nevertheless, the prominent position of the dwelling, occupying a corner plot adjacent to a single-storey dwelling would accentuate the considerable scale of the development. Accordingly, the proposal would appear as an imposing development that would significantly and harmfully erode the spacious character of the area.
9. The appellant has drawn my attention to a development for a dwelling at No 247 The Ridgeway (No 247). The details presented relate to an amended scheme of a previously permitted scheme and do not include an overview of the surrounding area from which to make a reasonable comparison. Nevertheless, while both proposals would occupy a corner plot, the appeal proposal comprises a more substantial building than that at No 247, which would also be positioned adjacent to other two-storey buildings. In any event, each proposal should be considered on its individual merits and with appropriate regard to the development plan and any material considerations.
10. I conclude that the proposal would harm the character and appearance of the area. The development therefore conflicts with Policies 69 and 70 of the St Albans

District Local Plan Review 1994 and the Framework, which collectively require a high quality design that respect and reflect the site context.

Biodiversity Net Gain

11. The objective of Schedule 7A of the Town and Country Planning Act 1990 is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.
12. The mandatory condition requiring biodiversity net gain of at least 10% is imposed on permissions granted pursuant of a planning application made on or after 12 February 2024 or 2 April 2024 for small developments such as this. Given that the application was made after 2 April 2024, the mandatory requirement applies.
13. The Biodiversity Net Gain Matrix report states that non-native and ornamental hedgerows would be planted, which would increase biodiversity of linear habitats. Nonetheless, as there are no baseline linear habitats at the site, the BNG percentage does not apply. The report concludes that the development would result in a measurable loss to local biodiversity and states that the proposal would lead to an overall biodiversity loss of 45.95%.
14. In order to achieve the required 10% BNG, it is necessary for off-site units to be purchased. In the absence of a mechanism that would secure the purchase of off-site units, the proposal does not make adequate provision for biodiversity net gain. The development therefore conflicts with the Framework, which requires proposals to provide net gains for biodiversity.

Other Matter

15. I have taken account of the fact that the appellant sought pre-application advice following the refusal of an earlier scheme. However, the advice given is not binding on the final outcome and I must assess the proposal before me on its own merits.

Planning Balance

16. The Council concedes that it is currently unable to demonstrate at least a five year supply of housing land that the Framework requires. Paragraph 11 d) of the Framework indicates that permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed.
17. The proposed development would make a positive contribution to housing supply and delivery through the efficient use of land in an urban area. The Framework explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. In addition, the proposal would deliver social and economic benefits both during construction through the creation of jobs, and following occupation through the use of facilities and services in the surrounding settlements. However, the contribution of one additional dwelling and the associated benefits are limited by the scale of development proposed.
18. The proposal would not harm the living conditions of the occupants of neighbouring properties and safe and suitable access to the site would be

provided for all users. However, these elements are minimum requirements of planning policy and are therefore neutral in the planning balance.

19. In the particular circumstances of this case, I have concluded that the proposal would have a harmful effect on the character and appearance of the area, would not make adequate provision for biodiversity net gain and would conflict with the relevant policies of the development plan and the Framework to which I apportion significant weight. The adverse impacts would therefore significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

Conclusion

20. The proposal conflicts with the development plan. The material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR