



Appeal Decision

Site visit made on 9 April 2025

by **K Savage BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 JUNE 2025

Appeal Ref: APP/B1930/W/24/3356500

Garage and land adjacent to 122 St Albans Road, Sandridge, St Albans AL4 9LL

- 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 Andrew Irwin against the decision of St Albans City Council.
- The application reference is 5/24/0127.
- The development proposed is change of use from B2 to C3; partial demolition of existing workshop; new roof and windows to workshop; new 2 bedroom chalet bungalow with associated landscaping and driveway.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) whether the proposal would result in the unjustified loss of a commercial use, and;
 - iii) the effect of the proposal on biodiversity.

Reasons

Character and Appearance

3. The appeal relates to a narrow, deep site located within a linear pattern of residential development on one side of St Albans Road. A detached, single storey workshop stands to the rear of the site, which was formerly in use as a car repair business. The area is characterised by a mix of detached and semi-detached dwellings of different sizes, forms and materials, but with a generally consistent two storey height.
4. The proposed dwelling would occupy the entire 5.54 metre width of the site, sitting tight to the boundary on either side. As a result, it would be disproportionate in size relative to the plot width and would appear squeezed onto the site in a cramped manner. This would be further noticeable due to there being barely enough depth for the lone parking space, and the fact that bins would need to be stored to the front as no side access would be provided. At the same time, the dwelling would be significantly narrower than its neighbours and would fail to respect the prevailing suburban pattern of development of dwellings with larger footprints and space to the sides of the plots.

5. In addition, the proposal would have an extremely low eaves height and an uncharacteristically narrow, steep roof pitch and front gable, which would make the dwelling appear diminutive within the street where dwellings, despite their mix of pitched and hipped roofs, have a largely consistent eaves and overall height. The dwelling would stand out as a particularly jarring feature due to this significant difference in size and shape. The use of grey brick would be a further anomalous detail that would add to the conspicuous presence of the dwelling in the streetscene.
6. I recognise that the site is currently vacant. However, I saw it to be in a reasonably tidy state, and not a particularly detracting feature. As such, I do not consider the development is necessary to improve a harmful existing situation.
7. The site forms the terminus of views when approaching the junction along Sandringham Crescent. This is not a designated view in the Sandridge Neighbourhood Plan (2021) (the SNP), and appears more incidental in nature than one purposely created or maintained. The view of fields beyond the site would be partially obscured by the proposed dwelling, though its narrow shape and the space retained to the side of No 120 would still allow a glimpse of the open countryside beyond. In this respect, I find no conflict with Policy E2 of the SNP.
8. However, for the reasons set out, I conclude that the proposal would cause significant harm to the character and appearance of the area, contrary to Policies 69 and 70 of the St Albans District Local Plan Review (1994) (the DLPR), which together require development to achieve a high standard of design that has regards to the setting and character of its surroundings, including with respect to scale, height, massing, density and materials. Although not cited on the decision notice, there would also be conflict with the similar requirements of Policy D4 of the SNP.

Loss of Commercial Use

9. Policy 24 of the DLPR states that on unallocated employment sites, employment development will normally be restricted to Use Class B1 (business use). Policy C1 of the SNP relates to commercial areas, setting a number of criteria to be considered where an application impacts existing commercial premises, areas or use. This includes evidence of a lack of demand for the site following a twelve month marketing exercise if conversion to residential is proposed.
10. The appellant argues that Policy C1 is not relevant to the proposal as it refers specifically to two designated commercial areas, neither of which the site is located in. It is also argued that the requirement for marketing relates to conversion, not redevelopment, and that the site is in any event unsuitable for a new commercial use due to its limited space and proximity to residential uses.
11. Policy C1 refers to ensuring existing commercial areas are retained (as identified in Figures 9 and 10), but also to the sustainable growth and expansion of all types of business in the Parish. It goes on to state that the criteria apply when considering an application for development that impacts existing commercial *premises, areas or use* (my emphasis). The final criterion also relates to buildings in the Green Belt which are outside of the identified commercial areas. Thus, I read the policy as relevant to more than the two named commercial areas and also applicable to individual commercial premises and uses, which includes the appeal site.

12. Moreover, the crux of the first criterion is that the potential for the site to be reused for commercial purposes should be tested through marketing before it is converted to residential. 'Conversion' in straightforward terms can refer to the change of use as well as physical works, and I am not provided with any narrower definition within the SNP that would apply this criterion only to scenarios where an existing building was being re-used. In addition, the named commercial areas are a mix of industrial and warehouse type businesses, and there is repeated reference to employment generating uses. Therefore, I am satisfied that the policy also encompasses the type of business use which previously took place on the appeal site. This being so, as no marketing has been undertaken by the appellant, there would be conflict with the first criterion of the policy.
13. However, Policy 24 of the DLPR, although of some age, supports housing over Class B1 use in certain locations, including in predominantly residential areas. The site is not in B1 use, but the supporting text also states that, for environmental reasons, most of these sites will not be suitable for development within Use Classes B2 to B8. From my observations, there are issues that a business would likely face in terms of providing adequate workspace, access, parking and storage, and if of an industrial nature, potentially having to address noise, odour and ground contamination. I also note a lack of mains drainage connection. These factors would limit the type of business that could realistically locate on the site.
14. Overall, the site is an isolated commercial use within an established residential area. There would be technical conflict with Policy C1 of the SNP due to the absence of a marketing strategy, but the proposal would align generally with the approach of Policy 24 of the DLPR for sites in residential areas. The site's prolonged vacancy and physical constraints are further considerations that limit the likelihood of a new commercial use being found and the loss of the site would not adversely affect the functioning of the designated commercial areas. I find that these considerations and the general support under Policy 24 outweighs the limited conflict with Policy C1 in this particular circumstance, and I conclude that the loss of the existing commercial use would not cause material planning harm that weighs against the proposal.

Biodiversity

15. Policy E1 of the SNP requires all non-householder developments to achieve a minimum 10% net gain in biodiversity. The proposal does not include evidence to demonstrate compliance with the policy. The only detail before me of any natural landscaping is a proposed rear lawn set between two buildings, with no indication of what value this would provide in biodiversity terms. I appreciate that the existing site comprises buildings and gravel surfacing, and past use of the site for servicing vehicles may mean the extent of biodiversity on site is low. However, in the absence of any evidence, namely a completed biodiversity metric establishing a baseline and potential gains to be delivered by the proposal, it is not possible to conclude that it would meet the requirements of Policy E1, even in principle, and thus I am not satisfied that this is a matter that can be left to be addressed by a planning condition. I conclude that the proposal fails to demonstrate that it would deliver biodiversity net gain as required by Policy E1.

Other Matters

16. The Council did not refuse permission in respect of the effect on neighbours' living conditions, highway safety, refuse, archaeology, sewage, contamination or construction impacts. I have noted the evidence in these respects, and comments on these and other matters raised in representations. However, I have not identified from these any further material benefits or harms to be weighed in the planning balance.

Planning Balance and Conclusion

17. The Council accepts that it cannot demonstrate a five year supply of deliverable housing sites, with supply stated to be just 1.7 years. Therefore, Paragraph 11(d) of the Framework is engaged.
18. The provision of an additional dwelling would accord with the Framework's objective of significantly boosting the supply of homes. This attracts significant weight in favour of the proposal in light of the Council's housing land supply shortfall. The proposal would also provide investment and employment during construction, and spending in the local economy by future occupants thereafter, a factor attracting limited weight in view of the small scale of the development.
19. Set against these benefits, the proposal would have permanent adverse impacts in terms of character and appearance of the area, and in the failure to provide for biodiversity net gain, contrary to the Framework's expectations for high quality design and enhancing the natural environment. Taken together, these harms carry very significant weight. Moreover, whilst the proposal would be on previously developed land, the harms identified mean that the proposal would not gain support from the Framework in terms of making effective use of land or representing a suitable site for windfall development. The absence of harm in respect of the loss of the existing commercial use is a neutral factor.
20. Overall, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As a result, Paragraph 11 does not indicate that permission should be granted and the proposal does not benefit from the presumption in favour of sustainable development.
21. For these reasons, and having regard to all other matters raised, the proposal does not accord with the development plan, taken as a whole, and there are no material planning considerations which indicate that permission should be forthcoming in spite of this conflict. Therefore, the appeal should be dismissed.

K Savage

INSPECTOR