
Appeal Decision

Site visit made on 19 May 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 JUNE 2025

Appeal Ref: APP/B1930/W/24/3356431

15 Old Watford Road, Bricket Wood, Hertfordshire AL2 3RS

- 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 Mr Ian O'Connor against St Albans City Council.
 - The application Ref is 5/2024/1213.
 - The development proposed is the sub-division of site and use of outbuilding as two bed dwelling and car port as ancillary car parking.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. I have taken the description of development from the appellant's appeal form as this more concisely describes the appeal proposal.
3. The application is partly retrospective in that the outbuilding and car port are already present on site. The outbuilding is in accordance with the plans provided, albeit a chimney flue observed on site is not shown on the plans. The car port is shown on the plans as having open sides. However, I observed the sides were partially enclosed with various combinations of materials and finishes. For the avoidance of doubt, I have determined the appeal on the basis of the plans before me.
4. The development plan includes saved policies from the St Albans District Local Plan Review 1994 (Plan Review 1994). Whilst the plan is over 30 years old, the National Planning Policy Framework (the Framework) sets out that the policies may still be given weight depending on the degree of accordance with the national guidance. I deal with this matter in my reasoning below.
5. My attention has been drawn to a history of refused applications and subsequent appeals at this site dating back to 2005. The Council indicate that the outbuilding currently on site is larger than the one refused and dismissed on appeal¹ in 2017. As the most recent appeal relating to the formation of a new dwelling at the site it is relevant and material to the appeal before me. I have been provided with a copy of this appeal decision and the plans upon which it was based. Likewise, I have been furnished with copies of the appeal decision and some of the plans relating to

¹ 'Conversion of the existing garage and workshop to a one bedroom dwelling' Council Ref: 5/2016/2508, refused October 2016, appeal ref: APP/B1930/W/16/3165542, dismissed May 2017.

the allowed appeal² from 2018. Nevertheless, I have considered this appeal on its own merits based on the details before me.

6. The Council failed to determine the application within the statutory timescale and within an agreed extension of time. However, I have had regard to the Council's statement of case in so far as it clarifies the reasons why the Council would have refused planning permission had it been able to do so. The main issue below is therefore taken from the Council's statement of case.

Main Issue

7. The main issue in determining this appeal is the effect of the development on the character and appearance of the area.

Reasons

8. The appeal site comprises a former domestic outbuilding in use as a residential dwelling, along with a car port on a parcel of land at the rear of 15 Old Watford Road. This is served by an independent vehicular access at the side of No. 15. The gardens of neighbouring properties surround the appeal site. The subdivision of the appeal dwelling from No. 15 has already taken place through the erection of high timber fencing.
9. Located in an established residential neighbourhood, the character is typically formed by linear rows of detached and semi-detached two storey dwellings fronting the highway, set back at similar distances, in spacious plots. Ryall Close, a modest cul-de-sac of residential development, is an exception to this, and partly bounds the site to the south.
10. The appeal dwelling is located at the rear of No. 15, behind the existing detached two storey property and takes a backland form of development. The evidence indicates that an outbuilding of a similar size was allowed on appeal in 2018. However, based on the merits of the scheme, I find that the siting of the proposed dwelling with such a large footprint coupled with the new car port, would be uncharacteristic to the generally linear character and grain of its surroundings. This would depart from the more ordered plot structure in the surrounding area and would be incongruous with the surrounding context, harming the character and appearance of the area.
11. Acknowledging that much of the built form is not prominent from the street-scene, it would still be experienced by a considerable number of receptors from the surrounding gardens. This would appear visually incoherent to the generally more uniformed plots that surround it.
12. In support of their case, the appellant cites examples of a number of dwellings permitted in similar backland positions. Limited details have been provided on these. In any case, all but one are located at least 1km away such that limited weight can be attributed. The example cited at Ryall Close, relates to a discreet cul-de-sac of limited residential development accessed via a narrow driveway to the south. However, this does not set a precedent for this type of piecemeal backland development, a matter I note that a previous Inspector also found in dismissing the 2017 appeal.

² 'Erection of an extension to existing detached garage and installation of rooflights' Council Ref 5/17/3654, allowed 5 July 2018 under appeal ref: APP/B1930/D/18/3201399.

13. Raising the status of a subordinate outbuilding to an independent dwelling impacts upon the character and hierarchy of the settlement in a harmful manner. Creating a new planning unit, breaks away from the ordered and deliberately planned neighbourhood, introducing new levels of associated activity to the area that would not previously have been experienced with an incidental building. In addition to the contrived subdivision of the site to form the plot, there could be other knock-on effects that cause me concern. For example, No. 15 has no functional outbuilding that would be reasonably necessary and expected in order to serve a detached dwelling of its size, such as to store garden furniture and equipment. This could place further pressure on the site for an even greater concentration of development in the area, which would compound the harm I have identified.
14. Consequently, I find that the proposal would have a demonstrably harmful effect on the character and appearance of the area. This would conflict with Policies 5, 69, 70 of the Plan Review 1994 and Policies S1, S3 and S5 of the St Stephen Parish Neighbourhood Plan 2019-2036 (2022) (Neighbourhood Plan). These policies amongst other things, seek to ensure that all development is of a high standard of design to reflect local distinctiveness, as well as respecting the scale, character and layout of the surrounding area.
15. Despite the age of the policies from the Plan Review 1994, the thrust of these still broadly aligns with Section 12 of the Framework which also sets out the principles of ensuring high quality design, and indeed the more up to date Neighbourhood Plan. As such substantial weight can be attached to the Plan Review 1994 insofar as is relevant to this appeal.

Other Matters

16. As a new structure serving a newly created planning unit that does not benefit from planning permission, the carport would unlikely benefit from permitted development as the appellant suggests. In any event, based on the merits of the case, such a fallback would not lead me to a different conclusion. However, it is open to the appellant to apply to the Council for a separate determination under Sections 191/192 of the Town and Country Planning Act 1990 regardless of the outcome of this appeal should they disagree.
17. It is noted that much of the appellants case relates to the way in which the Council have handled the application. This matter is not before me and I confine my considerations to the merits of the case. The appellant has not provided any evidence to demonstrate how this submission has overcome previous concerns set out in the various appeal decisions. Moreover, on its merits, I find harm in respect of the character and appearance of the area.

Planning Balance

18. The Council confirm they are unable to demonstrate a five-year supply of deliverable housing sites (5YHLS) in accordance with the National Planning Policy Framework (the Framework). An inability to demonstrate a 5YHLS warrants the application of paragraph 11(d)(ii) of the Framework which relates to the presumption in favour of sustainable development. In this case, it means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing

development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 19 The site is within a sustainable location where occupants would be able to access local services and facilities. This does weigh in favour of the scheme. However, I have found that the development would have a significant adverse effect on the character and appearance of the area. Paragraph 11(d)(ii) requires me to have particular regard to securing well-designed places, which I have concluded this scheme does not achieve. Weighed against the benefits of a scheme for just one dwelling, I find the adverse effects to significantly and demonstrably outweigh these, when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

- 20 For the reasons given above and having regard to all matters raised, the appeal fails and planning permission is refused.

C Walker

INSPECTOR