



Appeal Decision

Site visit made on 7 May 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 JULY 2025

Appeal Ref: APP/B1930/W/25/3360713

1A Wingate Way, St Albans AL1 5RE

- 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 Giuseppina Frisso against the decision of St Albans City Council.
 - The application Ref is 5/2024/1407.
 - The development proposed is conversion of existing residential annexe into self-contained dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the appeal site and surrounding area;
 - whether the proposal would provide an adequate living environment for future occupiers, with particular regard to outdoor amenity space and privacy; and
 - whether the proposal would have adequate car parking provision.

Reasons

Character and appearance

3. The appeal site currently hosts a detached two-storey dwelling with a separate annexe in a residential area. The annexe is to the rear of the main dwelling and fronts onto Wingate Way. The surrounding properties are all two-storey dwellings, with the properties in Wingate Way and 53 - 63 Cell Barnes Lane built with similar design characteristics and materials. This creates a pleasing consistency that contributes positively to the character and appearance of the street.
4. No external alterations are proposed to the annexe building. However, at the time of my site visit, a fence and trellis had been erected to separate the garden areas of the main dwelling and the annexe, the top of which is visible from Wingate Way at the front of the annexe. The submission documents indicate that this fence has been installed as part of this application. An aerial photograph in the appellant's appeal statement appears to show the garden at the appeal site without the fence. Although the annexe has been in use in conjunction with the host dwelling for a considerable amount of time, it would previously have shared the garden area with the main dwelling and would have been seen in this context.

5. The original garden area for the main dwelling, including the annexe, is similar to the garden sizes of surrounding properties. However, the conversion of the annexe would result in a small single storey dwelling with habitable accommodation in the roof space. As such the proposed dwelling would fail to integrate with the built form of the surrounding area. Furthermore, even though there would be no significant external alterations to the annexe as part of the development, the subdivision of the plot and the modest size of the garden area would create a cramped appearance given the limited size of the plot relative to the other properties in the area.
6. I note that planning permission was granted for a single storey dwelling in a modest plot to the rear of 316 Hatfield Road¹. However, there is a single-storey church opposite the new dwelling, and the adjacent dwelling at 1A Ashley Road also has a modest plot. As a result, the new dwelling to the rear of 316 Hatfield Road does not appear out of place in its surroundings, and therefore it does not justify the proposal before me.
7. I therefore conclude the proposal would significantly harm the character and appearance of the appeal site and surrounding area. Consequently, the proposal would be contrary to Policies 11, 69 and 70 of the City and District of St Albans District Local Plan Review (1994) (LP), insofar as they require development, including residential conversions, to take into account the scale and context of its surroundings and not to harm the character of the area.

Living environment

8. Page 20 of the St Albans City and District Design and Layout of New Housing Design Advice Leaflet No.1 (1998) states that a one-bedroom property should preferably have 40 square metres of outdoor amenity space. The Council calculates that the proposed garden would be 20 square metres, and the appellant accepts that the garden would not meet the local standard. LP Policy 70 states that gardens may be smaller where there is public open space nearby. Although there is public open space a short distance from the appeal site, the limited size of the outdoor private amenity space would unlikely be of a sufficient size for everyday use when typical garden paraphernalia and associated uses for a one-bedroom house are taken into account.
9. LP Policy 70 also requires a distance of 27 metres between facing windows where there is a 1.8 metre fence between the two properties. Although the distance between the main house and the proposed dwelling would be significantly less than 27 metres, the side windows of the proposed dwelling would be obscure-glazed and as such there would not be any loss of privacy to habitable rooms. However, although the fence and trellis would provide a degree of screening, the limited separation between the buildings would allow views, through the gaps in the trellis, from the first-floor windows of the main house of people moving around in most or all of the garden of the proposed dwelling. The proposal would therefore cause unacceptable overlooking of the proposed garden area.
10. A degree of mutual overlooking exists between the properties along Cell Barnes Lane, including between the main dwelling and the adjacent property at 49 Cell Barnes Lane (No 49). However, the first-floor windows of the main dwelling currently provide views of the area of garden furthest from the property at No 49,

¹ Planning application ref. 5/21/2920

and the existing rear extension at the main house provides some screening of the area of garden closest to No 49. Conversely, the proposal would allow views of people moving around in most or all of the proposed garden.

11. I therefore conclude the proposal would fail to provide an adequate living environment for future occupiers of the property, as a result of an insufficient outdoor amenity space and overlooking. Consequently, the proposal would conflict with LP Policies 11 and 70, insofar as they require development to provide satisfactory living conditions with particular regards to privacy and outdoor amenity space.

Car parking

12. The proposal would not provide any car parking provision. However, the appeal site is within walking distance of shops, bus stops and the railway station. Furthermore, on-street parking is available in the vicinity of the site with no parking restrictions, and a one-bedroom property is unlikely to create significant additional demand for on-street parking. Overall, although the proposal would not satisfy the Council's off-street parking requirements, the proposal would comply with LP Policy 39 insofar as it states that parking requirements may be adjusted to reflect the circumstances of individual developments.

Planning Balance and Conclusion

13. The appellant asserts that the Council currently has a 1.7-year supply of housing sites. The Council has not provided its housing supply figure but accepts that it can no longer demonstrate the 5-year supply required by the National Planning Policy Framework (the Framework). Paragraph 11(d)(ii) suggests, in this situation, the most important policies are out of date and planning permission should be granted unless any 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 for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Nonetheless, I have taken into account this considerable shortfall in the Council's housing land supply.
14. Paragraph 73 of the Framework states that small sites can make an important contribution to meeting the housing requirement of an area, and paragraph 125 of the Framework requires substantial weight to be given to the value of using sustainable brownfield land within settlements for homes, amongst other things. However, there would be substantial conflict with the Framework insofar as it requires developments to be sympathetic to local character and to provide a high standard of amenity for future users. I have also taken into account the considerable shortfall in the Council's housing supply.
15. The provision of one additional unit would make a small contribution to the existing supply. Economic advantages would also arise from the occupation of a new house, although these would be limited by the scale of the scheme. I therefore ascribe modest weight to these matters. An appeal decision which allowed a detached dwelling near Tring² has been supplied by the appellant to support their submission. However, there is very little within this decision that would alter my

² Appeal ref. APP/A1910/W/24/3343381

conclusions on the main issues above, especially as the issues raised differ from the appeal before me.

16. I consequently give significant weight to the provision of a small site for housing, and very significant weight to the harms identified above and the conflict between the appeal proposal and LP Policies 11, 69 and 70. It is therefore sufficiently clear that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole. The presumption in favour of sustainable development does not therefore apply in this particular case.
17. The proposal would conflict with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

D Ellis

INSPECTOR