



Appeal Decision

Site visit made on 21 July 2025

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

an Inspector appointed by the Secretary of State

Decision date: 30th July 2025

Appeal Ref: APP/B1930/W/25/3362812

Land between 21 and 22 Antonine Gate, St Albans, Hertfordshire AL3 4JB

- 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 John Green against the decision of St Albans City Council.
 - The application Ref is 5/24/0513.
 - The development proposed is the erection of 2 dwelling-houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. My attention is drawn to an emerging Draft Local Plan submitted under Regulation 19¹ for examination on 29 November 2024. No evidence is before me as to what stage the examination has now reached, nor is it clear whether there are any unresolved objections to the relevant policies. Both main parties agree it has limited weight. As the policies could change significantly, I also give this limited weight and proceed to determine the appeal in line with the development plan.
3. The adopted development plan includes saved policies from the St Albans Local Plan Review 1994 (Plan Review). 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.
4. The appeal is accompanied by an updated Transport Statement dated August 2024. This was submitted to the Council before they made their decision, but they chose not to accept or consult upon it. As a supporting document, this update does not substantively amend the scheme. Nor does it cause unfairness, as through submissions, the Council and other interested parties have had the opportunity to make representations. I have therefore accepted it.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, with particular regard to open space and trees; and
 - highway safety, with particular regard to the means of accesses and visibility.

¹ of the Town and Country Planning (Local Planning) (England) Regulations 2012

Reasons

Character and appearance

6. The appeal site comprises a parcel of open, undeveloped land located on a corner of Antonine Gate, St Albans, in a predominantly residential area. Laid with grass and interspersed with immature trees, the site also accommodates a modest sized central area of lit hardstanding, utility cabinets and a public footway that crosses the site.
7. Typically, the locality comprises two-storey linked detached dwellings of a similar style and era, arranged in a highly uniformed manner. Many dwellings lack formally defined frontage boundary treatments, giving it an open plan character, also reflected by the openness of the appeal site.
8. As part of a wider, planned suburban housing development, the appeal site is one of a number of pockets of open space located in a prominent corner position. These pockets, including the appeal site, provide visual and spatial relief to the built form and contribute to a strong sense of place, derived in part by the uniformity of housing and the regular and pleasant green open areas.
9. The proposed dwellings have been designed to closely resemble the scale and form of existing housing in the vicinity. However, their siting would result in the loss of an open space. The openness of the appeal site makes an important contribution to the character and appearance of the area. Introducing additional dwellings here would erode the sense of place and local identity, to the detriment of the character and appearance of the area.
10. Whilst noting the appellants assertion that the site is not used as functional open space and that it lacks a formal designation of public open space in the Council's Open Space Assessment (2024), this does not diminish the harm that would arise from its loss given its important contribution to the character and appearance of the area. The adequacy of alternative public open space elsewhere, would not overcome the harm I have identified from the loss of this space to the character and appearance of this area.
11. A number of immature trees would need to be removed to facilitate the development. The evidence before me indicates these trees were planted sometime after 2022, following the removal of unprotected mature trees.
12. Policy 74 of the Plan Review sets out that significant, healthy trees should normally be retained unless demonstrated that retention is incompatible with overall design quality and/or the economic use of the site. As young trees, these are not significant in their own right. Consequently, I do not find conflict with this policy. However, I am mindful that paragraph 136 of the Framework makes clear that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. It also sets out that decisions should ensure that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. As the Framework is more up-to-date, I give greater weight to it in this regard.
13. Whilst the existing trees are young, they are established and given time will flourish into more prominent focal features that will make a modest, but meaningful

contribution to climate change as well providing other benefits, not least to the character and appearance of the area. No arboricultural survey is before me to assess the conditions of the trees. However, from my observations on site, these appear to be healthy and attractive specimens. As the scheme would result in the loss of five trees (and other planting) which, even in their immaturity still make a positive contribution to the character and appearance of the area, I find that the proposal would run counter to the intentions of the Framework in this regard. This adds to the harm already identified.

14. I am mindful of the appellants intent to mitigate tree loss with a high quality and sympathetic landscaping scheme. This is indicatively shown on the proposed block plan. However, I equally note that the soft planting would be obscured behind a proposed 1.8m high frontage fence which would enclose the private garden of one of the dwellings. This would limit the appreciation of any replacement trees from public vantage points, which the lack of space to achieve meaningful tree planting would intensify. Furthermore, the enclosing fence would run counter to the open plan feel of the area, compounding the harm. Amending the fence-line by condition would not fully negate the harm.
15. For these reasons, I find that the proposal would conflict with Policy 75 of the Plan Review, which amongst other things, requires that development should not destroy the character of any remaining urban green space within settlements. This policy objective aligns broadly with paragraph 135 of the Framework in seeking developments that are sympathetic to local character and maintain a strong sense of place, and consequently I give it significant weight. Whilst not mentioned in the Council's reason for refusal, I also identify conflict with Policies 69 and 70 of the Plan Review. Amongst other things, these policies expect a high standard of design, taking into account character and context which also broadly align with the thrust of the Framework and attract significant weight.

Highway safety

16. Policy 34 of the Plan Review expects development to be acceptable in terms of highway safety having regard to adequate visibility, turning radii and provision for pedestrians, cyclists and for disabled and other disadvantaged people. Despite the age of the policy, it broadly accords with the Framework, which amongst other things expects developments to provide safe and suitable access to sites for all users. Hertfordshire's Local Transport Plan 2018-2031 (2018) (LTP) places pedestrians and cyclists at the top of the hierarchy for road users and seeks to help deliver a more sustainable county.
17. The appeal site lies on an inside bend off Antonine Gate, an unclassified residential estate road with a 30mph speed limit. There is no through road to the north of the appeal site as the highway terminates with a turning head. In the opposite direction, the highway links with Mayne Avenue that runs around the periphery of the estate and links the site with the wider road network.
18. It is common ground that the visibility splays at the proposed access points would be below the required standard of 2.4m by 43m for a 30mph zone, as recommended in Manual for Streets 2. This recommends that an X distance of 2.4m should normally be used in most built-up situations as it represents a reasonable maximum distance between the front of a car and the driver's eye. However, the proposed visibility splays shown on Figure 6 of the updated

Transport Statement falls short of that at just 2m, inhibiting what a driver would be able to see. Likewise, the Y distance is only shown as 22m, falling considerably short of the standard.

19. I note that the speed surveys undertaken indicate that vehicle speeds are typically lower than 30mph. The highway is not heavily trafficked on what is essentially a cul-de-sac. However, I am also mindful that forward visibility across the site, derived from the safe stopping distance, is not demonstrated on plan and, in any event is likely to conflict with proposed landscaping, necessary to mitigate the loss of existing trees. I am particularly concerned that the positioning of the access point on the corner without adequate visibility in either direction would present highway safety issues for all users, even with vehicles speeds lower than 30mph. Furthermore, the lack of fully achievable pedestrian visibility splays adjacent to No. 22, which breach onto third party land and would also place pedestrians at greater risk of conflict with emerging drivers.
20. Whilst I note the data presented shows a lack of accidents in the area, adding in additional properties with sub-standard access arrangements will only add to the risk. For the reasons I have set out, I am not satisfied that the proposed development would provide for safe accesses for all, in the interests of highway safety. This brings the scheme into conflict with Policy 34 of the Plan Review, the LTP and the Framework.

Planning Balance and Conclusion

21. It is common ground that the Council are unable to demonstrate the necessary five-year supply of deliverable housing sites (5YHLS) in accordance with the Framework. The appellant indicates the housing delivery test result is 52%, which represents a significant shortfall. An inability to demonstrate a 5YHLS warrants the application of paragraph 11(d) of the Framework, which relates to the presumption in favour of sustainable development.
22. 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.
23. Weighing in its favour, the scheme would help to deliver two family homes in a sustainable location, where residents would have good access to local facilities and services. I am also mindful that there would be other economic benefits from the scheme such as temporary construction jobs.
24. However, I have identified significant and demonstrable harm to the character and appearance of the area, and I am not satisfied that the proposed means of access would have an acceptable effect on highway safety. Together, these weigh heavily against the scheme, especially as Paragraph 11(d)(ii) requires me to have particular regard to securing well-designed places, which I have concluded this scheme does not achieve. As a result, the presumption in favour of sustainable development does not apply.

25. Weighed against the benefits of a scheme for just two dwellings, I find the adverse effects of the proposal to significantly and demonstrably outweigh these, when assessed against the policies in the Framework taken as a whole.
26. For the reasons set out above, the appeal fails.

C Walker

INSPECTOR