
Appeal Decision

Site visit made on 10 June 2025

by **S Simms BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/B1930/W/25/3361949

Parking Areas Adjacent 34 to 51 Hardwicke Place, London Colney AL2 1PX

- 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 BBCn Limited against the decision of St Albans City Council.
 - The application ref. is 5/24/1292.
 - The development proposed is erection of 1 single storey dwelling with amenity space and parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area,
 - whether the proposal would provide acceptable living conditions for future occupiers of the dwelling, with regard to privacy, security and space, and
 - whether the proposal would result in or provide adequate parking for existing and future occupiers.

Reasons

Character and appearance

3. The site comprises two rectangular car parks linked by a vehicular access serving a three-storey block of flats, associated garages, and the car park and garages of a further block of flats reached through the site. Many of the garages are in a poor state of repair and none appear to be used to park cars.
4. The part of the site on which development is proposed is bounded by rear gardens of neighbouring two-storey detached houses, and soft landscape surrounding the flats. These two forms of housing make up the wider vicinity of the site, which is generally set back from the street behind landscape or gardens.
5. The proposal would erect a small bungalow on an area roughly equivalent to eight parking spaces fronting on to the vehicular access through the site. It would have a monopitch roof gently sloping down to the boundary with the rear gardens, and two gardens of its own also adjoining the vehicular access through the site.
6. The only single-storey buildings in the vicinity are garages and sheds, the nearest such examples of which all have dual-pitched roofs. Whilst I note that permission

has been granted previously for garages in this location, these would be of a different use and therefore character to the proposal.

7. Consequently, the proposal would introduce a dwelling of unusual scale, form, density and layout, which would harm the character and appearance of the area. This would be contrary to Policies 69 and 70 of the St. Albans District Local Plan Review 1994, which require all development to consider the scale and character of its surroundings and housing to be of a design and layout appropriate to its setting.

Living conditions

8. The bungalow would be accessed via a door on to the vehicular route through the site, to which a window would also face. As such, no defensible space would be provided adjacent to these, into which passing pedestrians or drivers would be able to see, compromising the privacy and security of future occupiers.
9. Whilst the Council considers the submitted drawings unclear, they show the two proposed gardens would be separated from the vehicular route by a fence similar to that on the boundary with the rear gardens, including a gate into the smaller garden. This would afford them and the living area facing on to the larger garden an adequate standard of privacy and maintain a similar appearance externally.
10. The gardens, enclosed, would total around 53sqm in area, which would exceed the 40sqm advised in the Council's Supplementary Design Guidance "Design Advice Leaflet No. 1, Design and Layout of New Housing" for one-bedroom dwellings. They would therefore provide adequate external space.
11. The submitted plans show a double bed and a floor area of around 43sqm. The Council considers the Nationally Described Space Standard for a one-bedroom two-person dwelling therefore applies. However, the Council has not adopted the Standards and refers to no other policy of the development plan that addresses this issue. I therefore conclude that the proposal would provide adequate living conditions for its future occupiers in respect of internal space.
12. Overall, however, due to the shortfall in defensible space, the proposal would not provide adequate living conditions for future occupiers, with regard to privacy or security, contrary to Policy 70 of the St. Albans District Local Plan Review 1994, which requires a minimum of 3m between windows and public areas.

Parking provision

13. The proposal would develop around 19 metres' length of perpendicular parking spaces, amounting to about eight spaces, leaving the equivalent of two adjacent to the larger of the two proposed gardens. A further seven spaces are shown on the proposed site plan at the far end of the site, beyond the garages.
14. The appellant owns the site, states that it is not designated parking for occupants of the adjoining flats and suggests that residents could park on spaces behind the garages at the end of the site. However, residents have provided evidence that it was provided as parking as part of the original development of the flats.
15. I saw on site that the area on which the seven spaces are shown, whilst already hard surfaced, is overgrown. I am not convinced that these spaces represent a realistic replacement both because they, to some extent at least, already exist, but also because they would be rather less convenient to use for residents.

16. A Technical Note submitted with the appeal contains a survey of parking capacity and utilisation in the area, but the Council considers that this overestimates the number of acceptable parking spaces available. I note also that residents consider that the proposal underestimates the loss of parking and current stress.
17. In any event, off-street parking would be lost, whether on-street capacity exists to absorb it or not. Whilst the proposal would provide for its own parking demand and comply with Policies 39 and 40 of the St. Albans District Local Plan Review 1994, this would seem to be at the further expense of existing parking.
18. Furthermore, whilst I note that permission has been granted for garages in the same location, these would provide a similar amount of parking. I note also that the local highway authority does not object, but it is concerned primarily with safety and other impacts to its network, rather than the design and convenience of off-street parking provision.
19. Whether the proposed development would fail to off-set the loss of parking spaces due to the seven spaces already existing or their being unsuitable, the proposal would fail to provide an adequate quantity or quality of parking for residents, contrary to Policy 42 of the St. Albans District Local Plan Review 1994.

Other Matters

20. The benefits of a dwelling in a sustainable location would make a small difference to the overall housing supply and provide a small boost to the local economy.

Planning Balance

21. The Local Plan dates from 1994 but the weight to be attached does not hinge on its age. Rather paragraph 232 of the National Planning Policy Framework (the Framework) makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework.
22. The Framework also expects visually attractive development that is sympathetic to local character, together with suitable access and parking areas. Therefore, the conflict between the proposal and Policies 42, 69 and 70 of the St. Albans District Local Plan Review 1994 should be given significant weight.
23. There are no policies in the Local Plan which positively favour development of this kind in this location and, as such, the proposal would be contrary to the policies referred to above and would conflict with the development plan as a whole.
24. The appellant states that the Council only has a 1.7-year supply of housing and has delivered only 52% of its requirement over the last three years. The Council states only that it cannot demonstrate a four-year supply. In these circumstances footnote 7 of the Framework establishes that the policies which are most important for determining the application are out-of-date.
25. Consequently, permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. Whilst the site is not within a protected area, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, assessed against the policies in the Framework as a whole.

26. Specifically, paragraph 115 of the Framework requires safe, suitable access and parking areas to be designed to reflect current national guidance; and paragraph 135 requires development to function well, add to the overall quality of the area, be visually attractive and sympathetic to local character.
27. Set against this, the benefits of a dwelling in a sustainable location would make a small difference to the overall supply and the support one extra household would provide to the local economy would also be limited. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

28. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this. Therefore, the appeal should not succeed.

S Simms

INSPECTOR