



Appeal Decision

Site visit made on 29 September 2025

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 October 2025

Appeal Ref: APP/B1930/W/25/3365135

Land Fronting 79 Watling Street, St Albans, Hertfordshire AL1 2QF

- 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 Silva Karuthasami against the decision of St Albans City and District Council.
 - The application Ref is 5/24/1479.
 - The development proposed is for the erection of a new dwelling with access and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the streetscene and (b) the living standards of the future occupiers.

Reasons

Character and Appearance

3. The proposed development includes the erection of a single storey dwelling with accommodation within the roofspace on a plot of land which is located in front of 79 and 79A Watling Street. The appeal site is adjacent to a turning head which forms part of a service road paralleling the main carriageway of Watling Street. The proposed dwelling would have front and rear gardens.
4. Planning permission was granted for the erection of a building of a similar size on the appeal site (Ref. 5/2021/1417) which has been partially implemented by the excavation of foundations. Although the principle of erecting a building on the appeal site has been established, it can be differentiated from the proposed development because it was approved primarily for the purposes of being a multi sensory room with a soft play area rather than being occupied as a separate dwelling house. In addition to the use, other differences between the approved and appeal schemes include the siting of the buildings and the roof height being taller for the proposed dwelling.
5. For the reasons given, only moderate weight is given to the extant planning permission in the assessment of this appeal. In reaching this judgement, account

has been taken of the appellant's claims concerning the differences in the intensity of the use between the approved and appeal schemes, particularly the likely higher levels of the comings and goings of visitors to a sensory room.

6. The dwellings fronting the east side of the service road are primarily 2-storey semi-detached properties which are set well back from the footway to the rear of landscaped gardens which are also used for parking. During the site visit, no buildings of a similar scale to the appeal scheme were observed within the front gardens of these dwellings. When the landscaped front gardens are taken together with the trees along the western side of the carriageway, the streetscene along the service road has a spacious and verdant character and appearance. These characteristics include the area surrounding the turning head to which the appeal site currently contributes. This spacious and verdant character and appearance also apply to the dwellings fronting Howland Garth located to the south of the site which is accessed via a footway alongside the site's western boundary.
7. By reason of siting adjacent to the turning head, the proposed dwelling would be conspicuous within the streetscene along the service road. When viewed along the service road, the siting, scale and design of the proposed dwelling would fail to respect the prevailing character and appearance of the streetscene. Further, the proposed dwelling would be erected on a small plot when compared to the surrounding properties, including Nos. 79 and 79A, and, as such, it would appear a cramped form of development.
8. From the service road, the proposed small front garden would be dominated by hard surfacing rather than include any significant element of vegetation. When viewed from the footway at the side of the site, the rear garden would only have a very modest separation distance from the trees along the site's southern boundary. For all these reasons, the appeal scheme would be an incongruous and unsympathetic form of residential development.
9. On this issue, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the streetscene and, as such, it would conflict with Policies 69 and 70 of the City and District of St Albans District Local Plan Review (LP). Amongst other matters, these policies require the design of new housing development having regard to its setting and the character of its surroundings and, proposals in general, to have regard to the scale and character of their surroundings in terms of size and scale. The design requirements of these policies are consistent with good quality design sought for developments in Chapter 12 of the National Planning Policy Framework (the Framework).

Living Standards

10. The council claims that 40sq m of amenity space is required to meet the needs of the future residents and this figure is included in the council's *Design Advice Leaflet No. 1*. However, as identified by the appellant, this can only be guidance because it is not included as part of a development plan policy.
11. The appeal scheme includes a private amenity space of some 36sq m and this could be appropriate to meet the needs of the future residents. However, it was noted during the site visit that the proposed amenity area is bounded on 2 sides by substantial vegetation which both creates a sense of enclosure and reduces the

levels of sun and day light reaching this part of the site. When the identified impacts of the neighbouring vegetation are taken together with the size and limited depth of the amenity space, the rear garden would not be a particularly useable or attractive area for the future occupiers of the proposed development. The ability for the proposed development to meet the nationally described space standard for a 1-bedroom dwelling does not alter this judgement.

12. Accordingly, it is concluded that the design of the proposed development would fail to provide satisfactory living standards for the future occupiers and, as such, it would conflict with LP Policy 70 which refer to the size of a private garden reflecting the number of persons for which the dwelling has been designed, their likely range of activities and also local residential character. Securing a high standard of amenity for existing and future users is also referred to as a national policy requirement in the Framework.

Other Matters

13. The council has acknowledged that it cannot identify a 5-year supply of housing land and, as such, the presumption in favour of sustainable development set out at paragraph 11(d) of the Framework is a material consideration in the determination of this appeal. The benefits associated with the proposed development include the provision of a dwelling and the creation of construction jobs.
14. However, the contribution of a single dwelling to meeting the housing land shortfall would be limited and so would the number of construction jobs which would exist over a relatively short time period. Limited weight is given to these matters in the determination of this appeal. The same weight is given to the appellant's claims about the site currently attracting anti-social behaviour because there is no cogent evidence presented about this matter and it was noted the site is substantially enclosed by wooden fences. For the reasons already given, moderate weight has been given to the fallback position associated with the extant planning permission.
15. Weighed against these other material considerations is the conflict with the relevant development plan policies and the Framework identifying that good design is a key aspect of sustainable development. For the reasons given, the appeal scheme would not accord with this national design requirement and would also not achieve a high standard of amenity for future users. Significant weight is given to these matters.
16. Accordingly, it is judged that the adverse impacts of the proposed development would significantly and demonstrably outweigh the identified benefits when assessed against the policies in the Framework when taken as a whole. It is therefore concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR