

Householder Application

design and access statement

22 Blackmore Way, Blackmore End, St Albans, Hertfordshire, AL4 8LJ

Construction of an outbuilding

On behalf of Mr & Mrs N Merlo

Ref: NM/22BW/das

Brian Parker
BA MSc MRTPI

MRP Planning
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Preliminaries

I have a BA (Hons) in Geography and an MSc in Urban and Rural Planning and I am a Chartered Member of the Royal Town Planning Institute.

The information and evidence in this Statement have been prepared and are given in accordance with the guidance of the RTPI and I confirm that the views expressed are my genuine professional opinions.

Brian Parker, April 2024



1 Introduction

- 1.1 This is a re-submitted application following the refusal of Ref: 23/01993/FPH. This Statement demonstrates why this revised scheme is sustainable development which benefits from a presumption in its favour. It also demonstrates that reliance on either of the two Reasons for Refusal for the previous scheme would be unreasonable.

2 The Site and Proposal

- 2.1 The Site is a two-storey detached dwelling situated on a large residential plot on the north side of Blackmore Way. The rear garden is c. 17 metres wide and over 60 metres deep from the rear elevation of the house to the rear boundary. Like the plots either side, this is an extensive rear garden which can easily accommodate a relatively large outbuilding. Indeed, it can be seen that the rear garden of no. 24 accommodates four outbuildings, whilst no. 18 already has a large outbuilding close to the rear boundary ... just as proposed here.

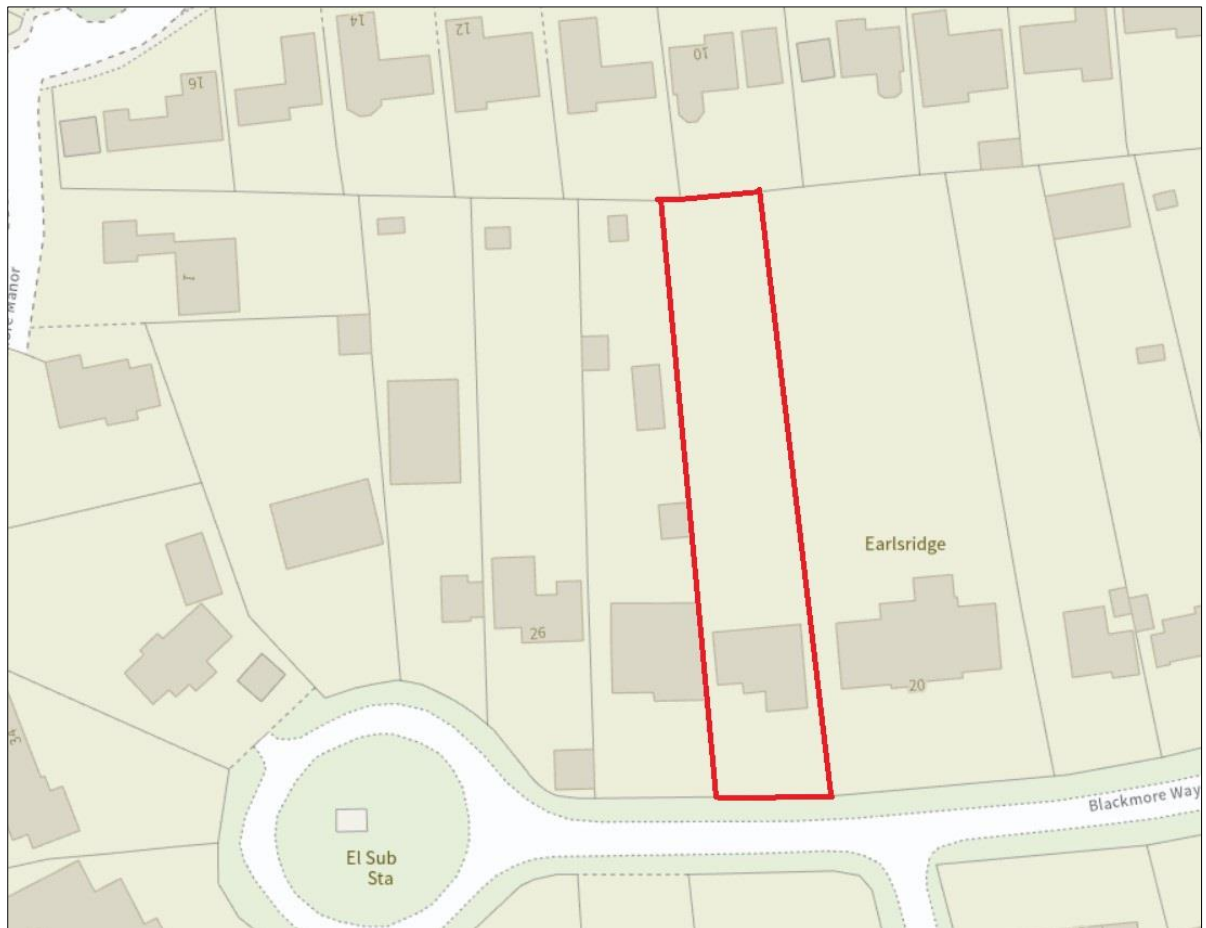


Fig. 1 The application plot (highlighted in red) accommodates a detached family home in the middle of a wholly residential street of large detached houses on (mostly) very deep plots. (Source: North Herts Council GIS)

- 2.2 The proposal is to construct an outbuilding of a high-quality design and in a location which will cause no material harm, whatsoever, to the residential amenity of others.
- 2.3 Please refer to drawings © Steve Johnston, Divine Design Consultants Ltd. This demonstrates that the angle of the pitched roofs has been reduced from the previous scheme and, consequently, the pitch height will be lower.
- 2.4 The information in this Statement and the drawings submitted with the application are considered to be sufficient for this particular Household scheme. If the Council believes additional information is required, please advise Mr Johnston or me at the earliest opportunity.

3 Planning Policy and Context

3.1 Paragraph 47 of the NPPF confirms that *“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise”*.

3.2 The relevant elements of the Council’s Development Plan (2012-27) are the 2011-31 Local Plan, adopted November 2022.

The Local Plan

3.3 The most relevant Strategic Policy for this scheme is:

- SP1 Sustainable Development

3.4 The most important Development Management Policies are:

- D1 Sustainable Design;
- D2 House Extensions, Replacement Dwelling and Outbuildings; and
- D3 Protecting Living Conditions.

3.5 The policies listed above will be considered in more detail in Section 4 below.

Design Supplementary Planning Document (SPD), July 2011

3.6 The Council’s website confirms that this pre-NPPF Design SPD

“is not prescriptive in terms of standards or requirements as it encourages developers and designers to think about the context of the site and how their development might contribute to and enhance the local area. This should ensure high quality development throughout the district regardless of scale or location”.

In accordance with this objective, the proposal delivers a high-quality development.

The NPPF

3.7 The current NPPF was published in December 2023, replacing previous versions which themselves replaced the previous range of Guidance Notes, and Policy Statements. A consultation version of a revised NPPF has been published but currently carries no weight.

3.8 Paragraph 2 of the NPPF states, amongst other things, that the Framework

“... is a material consideration in planning decisions”.

3.9 The two most important Sections of the NPPF for this proposal are: “Achieving sustainable development” and “Decision-making”.

3.10 Paragraph 7 states:

“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”

3.11 Paragraph 11 confirms that there is a presumption in favour of sustainable development and (at 11c) that development proposals that accord with an up-to-date development plan should be approved without delay.

3.12 Paragraph 38 requires Local Planning Authorities to take a *“positive and creative”* approach to decision-making.

Planning Practice Guidance (“the PPG”)

3.13 The PPG was published on 6th March 2014 (with updates since) and replaced all previous planning guidance documents.

4 Conformity with Local Plan Policies

Strategic Policies

Policy SP1 Sustainable Development

- 4.1 The text confirms that the Council “*supports the principles of sustainable development*”.
- 4.2 The sustainability credentials of the scheme are assessed in more detail in Section 5 below.

Development Management Policies

D1 Sustainable Design

- 4.3 In respect of the five criteria of Policy D1:
- a) the site context is a wide and very deep residential garden in which an outbuilding of the scale proposed is wholly appropriate. Whilst it would be out of context in my 10m x 15m rear garden, the proposal is entirely fitting for the application site and, indeed, reflects other large outbuildings in other equally large (and larger) rear gardens in the immediate vicinity;
 - b) given the nature and scale of the scheme, there are limited opportunities to engage with the 8 criteria (many of which are immaterial), however, the loss of unprotected trees will be mitigated by new planting which is possible because of the size of the rear garden;
 - c) the Design SPD is considered in paragraph 4.13 below;
 - d) not applicable;
 - e) not applicable.
- 4.4 The proposal can, therefore, be seen to be in accordance with Policy D1.

D2 House Extensions, Replacement Dwellings and Outbuildings and D3 Protecting Living Conditions

- 4.5 The text in Paragraph 9.1 explains the reason behind criteria (c) and (d) of D2 as follows:

“There is a need to maintain a high-quality environment in residential areas and across the district as a whole whilst allowing flexibility with regard to house extensions, replacement dwellings and outbuildings. The policy requires that consideration is given to the effect that a proposal may have on the living conditions of neighbouring occupiers and the character and appearance of the locality in which they are proposed as these are matters that can often be overlooked with the desire for increased living space.”

- 4.6 It is, therefore, important to note that the proposal is for an outbuilding located in a rear garden surrounded by rear gardens and, thus, will be all but invisible from the public domain. This is entirely different to: a replacement dwelling; a front, side or roof extension; or an outbuilding located to the side or in front of a house, all of which have to the potential to affect the character and appearance of the street scene and/or local area.
- 4.7 Given other rear gardens already have large outbuildings and others, especially no. 20 next door, could construct much larger outbuildings than proposed here under Permitted Development, the high-quality outbuilding proposed is entirely appropriate and causes no harm to the character and appearance of the area.
- 4.8 Neither does it cause any harm to the living conditions of neighbouring occupiers. There is, of course, no in-principle objection to residential outbuildings in rear gardens from a noise perspective, whether they are home offices, swimming pools, garden rooms, jacuzzies or games rooms. Because the proposed outbuilding is single-storey, there will also be no greater over-looking from it into neighbouring gardens than there would be from a smaller single-storey outbuilding or garden shed. And because it will be located over 50 metres from the rear of no. 20 and 24, any noise, activity or ‘standard’ overlooking of neighbours’ houses, would be far more limited than in most cases.
- 4.9 Whilst the outbuilding is close to the rear boundary shared with 10 and 11 Beech Way, it will be heavily screened by trees. From these houses to the rear, even in winter, only limited views of the pitched roof of an outbuilding will be visible: a ubiquitous sight encountered by millions of neighbours all across the country.
- 4.10 Finally, there is, of course, no reference in Policy D2 or the explanatory text to the need to prevent “urbanisation”. The European Environment Agency¹ defines “urbanisation” as
- “the increase in the proportion of people living in towns and cities”.*
- 4.11 That neither replacement dwellings, nor house extensions nor residential outbuildings cause “urbanisation” is obvious and explains why Policy D2 does not seek to prevent it.
- 4.12 The proposal can, therefore, be seen to be in accordance with Policy D2.

Design SPD, July 2011

- 4.13 With respect, the SPD is considerably out-of-date being published a year before the first iteration of the NPPF and over a decade before the Adoption of the current Local Plan. Nevertheless, its purpose and key objectives can be seen to be aligned with both the NPPF and the Local Plan and it is submitted that the proposal accords with its core principles of achieving “good design and sustainable development” (paragraph 4).

¹ Online at eea.europa.eu under Glossary. Site visited 10th April 2024.

5 Sustainable Development

5.1 As referenced above, Paragraph 7 of the NPPF states:

“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”

5.2 Paragraph 8 of the NPPF considers sustainable development at a finer detail via three separate criteria. Whilst Paragraph 9 states that *“they are not criteria against which every decision can or should be judged”*, the following considers the three overarching objectives:

Economic Objective

5.3 The rear garden of an existing house in a residential neighbourhood is clearly *“the right place”* for this very limited form of household development. The construction project will also generate a limited amount of economic activity via employment for a number and variety of local people and businesses.

Social Objective

5.4 The proposal is a typical example of a local family seeking to increase their household amenity by constructing an outbuilding that will meet some of their present and future recreational, health and social needs. As demonstrated above, the outbuilding will not harm the amenity of present or future neighbours and neither will it compromise their ability to meet their own needs.

Environmental Objective

5.5 By building on an existing residential plot, the scheme is making *“effective use of land”*. Because the loss of unprotected trees will be fully mitigated by new planting, there will be no harm to the built, natural or historic environments.

Conclusion on Sustainable Development

5.6 The scheme pursues the three objectives in a mutually supportive way so that net gains, albeit minor, in each of them can be achieved. In my view, the proposal clearly represents sustainable development.

6 Conclusion

- 6.1 The proposal is a minor household scheme to extend residential amenity by constructing a single-storey outbuilding. This Statement has demonstrated that it is a clear example of sustainable development which complies with the most relevant policies in the development plan.
- 6.2 It has also demonstrated that the proposal will not cause harm to neighbouring dwellings and is not, in any way, urbanising. Consequently, the two Reasons for Refusal for the previous scheme no longer apply.
- 6.3 In accordance with Paragraph 11c of the NPPF, permission should be granted without delay.

Brian Parker
BA MSc MRTPI
April 2024

Appendix 1 – Decision Notice
Appendix 2 – Officer Report