

Appeal Decision

Site visit made on 15 November 2016

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 December 2016

Appeal Ref: APP/B1930/D/16/3157115

37 Ladysmith Road, St Albans AL3 5PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr L Gunn against the decision of St Albans City & District Council.
 - The application Ref 5/16/1352, dated 29 April 2016, was refused by notice dated 11 July 2016.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The impact of the development on the living conditions of the occupiers of No. 39 Ladysmith Road with particular regard to the overbearing impact and light.

Reasons

3. The appeal property consists of a traditional mid terrace house located in a predominantly residential area of high density Victorian terraced properties.
 4. The proposal would entail the construction of a single storey extension that would infill the space adjacent to the two storey rear projection and the common boundary with No. 39 Ladysmith Road (No. 39). It would project out by approximately 4m from the rear elevation of the property with a mono-pitched roof with a maximum eaves height of about 3m and a maximum ridge height of about 3.6m. The proposal would be separated from No. 39 by a 2m high fence and the small garden area at the rear of the adjacent property.
 5. I have considered the appellant's arguments regarding the orientation and design of the existing properties and the modest rear extension being largely obscured from No. 39 by the existing boundary fence. However, I have viewed the appeal site and I am not persuaded by the appellant's arguments. Whilst these features would reduce the impact of the proposal to some degree, given the overall height, massing and the design of the proposed extension and the separation distance between the properties, I consider the proposal would dominate the views from the rooms and garden at the rear of No. 39. The extension would be located in close proximity to the windows at the rear of No. 39. It would introduce a dominant, overbearing and enclosing structure that would severely restrict the outlook, and to a more limited extent, the available light reaching the main ground floor habitable rooms at the rear of No. 39.
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6. I have considered the appellant's comments regarding the context provided in the National Planning Policy Framework (the Framework) for good design and that planning decisions should not attempt to impose architectural styling and should not stifle innovation, originality or initiative in design but I find that this proposal does not achieve the standards the Framework seeks. I also note the appellant's comments regarding the lack of formal objections from the neighbouring properties. Whilst this maybe so, this does not set a precedent for such an inappropriate development in this location for the reasons set out above. I therefore accord these matters limited weight.
7. I have noted the other developments in the area drawn to my attention by the appellant. The single storey extensions at No. 31 and 35 Ladysmith Road are not directly comparable with the appeal scheme and have different locational characteristics with a greater degree of separation from the adjacent properties. I therefore accord them limited weight as precedents in this case.
8. I have considered the appellant's comments about the family's personal circumstances and the benefits to the family arising from the proposed additional accommodation. However, such circumstances are not a material consideration to which I can attach significant weight in making this decision.
9. Consequently, I conclude that the proposal would result in significant harm to the living conditions of the occupiers of No. 39 with particular regard to the overbearing impact and loss of light. It would conflict with the overall amenity aims of Policy 72 of the St Albans District Local Plan Review 1994. This policy, amongst other things, seeks to ensure extensions to dwellings in residential area do not adversely affect the amenities of nearby properties or the locality in general. In addition, it would not accord with the Framework that seeks to secure a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

Other matters

10. The appeal property is a locally listed terraced dwelling within the St Albans Conservation Area (CA). Special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the area. Similarly, a balanced approach is required to assess the effect on the locally listed building as a non-designated heritage asset, in accordance with the Framework.
11. Given the modest scale and siting of the extension, the proposal would have no significant material impact on the locally listed building and the CA. I consider that the appeal scheme, subject to the materials used matching those on the existing building, would preserve the character and appearance of the locally listed building and the CA.

Conclusion

12. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR