
Appeal Decision

Site visit made on 22 November 2016

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 20th December 2016

Appeal Ref: APP/B1930/D/16/3156934

47 Midway, St Albans, Hertfordshire AL3 4BB

- 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 and Mrs R Behan against the decision of St Albans City & District Council.
 - The application Ref 5/16/1608, dated 20 May 2016, was refused by notice dated 15 July 2016.
 - The development proposed is part two storey part single storey rear extension, first floor side extension, single storey front extension to garage, bay windows to ground floor front elevation with canopy roofs, canopy over front entrance. Raising ridge with crown roof to provide second floor accommodation, Juliette dormer window to rear. Velux windows.
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Decision

1. The appeal is allowed and planning permission is granted for part two storey part single storey rear extension, first floor side extension, single storey front extension to garage, bay windows to ground floor front elevation with canopy roofs, canopy over front entrance. Raising ridge with crown roof to provide second floor accommodation, Juliette dormer window to rear and Velux windows at 47 Midway, St Albans, Hertfordshire AL3 4BB in accordance with the terms of the application, Ref 5/16/1608, dated 20 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: Site Location Plan, Block and Roof Plan, RB 2015/1, RB2015/2 Rev A and RB 2015/3.
 - 3) The materials to be used in any works to the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The extensions hereby permitted shall not be occupied until the windows at first floor level in the flank elevations have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
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Procedural Matter

2. Although the Council used a different description in their decision, neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description of development given on the original application form.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and area.

Reasons

4. The appeal property is a detached, two storey dwelling constructed from brick and located in a row of residential properties. The roof of the dwelling is hipped with a central ridgeline and part cat slide roof over the side garage. There is also an existing two storey flat roof extension to the rear.
5. It was evident from my site visit that Midway contained a substantial variety of residential dwellings in terms of their scale, form, design and appearance and that there is a general lack of uniformity within the street. Surrounding properties include single, one and a half and two storey dwellings set back from the highway and with deep gardens. Furthermore, a number of the dwellings benefit from substantial extensions and alterations, including deep rear projections and side extensions that are built very close to the side boundaries.
6. There would be a double hipped gable at first floor level facing No. 49 but this would be set down below a minor increase in the ridge height of the existing dwelling and set in from the front and rear elevations. I also share the Council's view that the other alterations to the front elevation, the first floor side additions and the raising of the roof would be of an acceptable design and would not be harmful to the character and appearance of the host property or the area.
7. There is no doubt that the proposal would result in a substantial amount of extensions and alterations. In particular, the ground floor rear projection would be deep and when combined with the scale of the two storey rear extension, it would substantially change the appearance of the host property.
8. However, the majority of the extensions and alterations would be to the rear and would not be conspicuous from the street. Although single storey rear extensions should not normally extend more than 3m rearward along a party boundary¹, the increase in the overall scale and depth of the dwelling would be apparent from only a very limited number of viewpoints, including rear gardens of adjoining properties. Moreover, a significant amount of the rear garden would be retained and therefore the rear projections would not appear obtrusive. Although I have no evidence of other crown roof forms within the street, in itself, it would not be an overly prominent or unduly dominant feature.
9. Overall, in the context of a street that has such variations in the scale, form and appearance of dwellings and built form very close to the side boundaries,

¹ Policy 72 Vii of the St Albans District Local Plan Review 1994.

the proposal would not appear cramped or so overly large that it would cause harm to the character and appearance of the host property or the area.

10. Turning to the flat roof dormer window, it would be set in from the side of the roof and below the newly created crown roof. Whilst the existing property does not contain such a feature, there are examples of more prominent dormer windows on other dwellings within Midway. In my view, it would not be of an excessive width or out of scale with the host property and it would not be visible in the street. It would not therefore harm the character and appearance of the host property or area. Although there would be five roof lights inserted into the roof facing No. 45, they would be adequately spaced, positioned appropriately and would not be of an excessive size. Consequently, they would not appear overly cluttered to the extent that their appearance would be harmful.
11. Overall and for these reasons, the proposal would not harm the character and appearance of the host property and the area. It would not conflict with Policies 69 and 72 of the St Albans District Local Plan Review 1994 ('LP') which, amongst other things, seek to ensure an extension relates to the domestic scale, character and appearance of the street, is of a high standard of design and is compatible with the original building. Although the LP pre-dates the National Planning Policy Framework ('the Framework') and is of some vintage, I find these policies are consistent with it. Accordingly, the proposal would not conflict with the design objectives of the Framework.

Conditions

12. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and simplicity. A condition is required to ensure compliance with the approved plans as this provides clarity. Furthermore, a condition that external materials match the existing building is necessary in the interests of the character and appearance of the host property and area.
13. To protect the living conditions of adjoining occupiers, in terms of privacy a condition is necessary that the windows in the first floor flank elevations are obscurely glazed and non-opening below a height of 1.7m, prior to occupation and that the details of the type of obscure glazing are agreed in writing with the local planning authority, prior to installation.

Conclusion

14. For the reasons set out above, the proposal would not conflict with the development plan, when read as a whole or the Framework. Having considered all other matters raised, I therefore conclude that the appeal should be allowed.

Richard Aston

INSPECTOR