
Appeal Decision

Site visit made on 16 January 2017

by Christa Masters MA (hons) MRTPI

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

Decision date: 23rd January 2017

Appeal Ref: APP/B1930/D/16/3162503

61 Bernard Street, St Albans AL3 5QL

- 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 & Mrs Mehran Behvandi against the decision of St Albans City & District Council.
 - The application Ref 5/16/2127, dated 7 July 2016, was refused by notice dated 1 September 2016.
 - The development proposed is two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side extension at 61 Bernard Street, St Albans AL3 5QL in accordance with the terms of the application, Ref 5/16/2127, dated 7 July 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans listed: 1238-BEH-01, 1238-BEH-02 rev A, 1238-BEH-03.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used on the existing building.
 - 4) The proposed window on the first floor flank elevation facing No 59 Bernard Street shall be fitted with obscure glazing and permanently retained as such. There shall be no other openings installed at first floor level on this flank elevation of the property.

Main Issue

2. Whether the proposal would preserve or enhance the St Albans Conservation Area.

Reasons

3. The appeal site is a semi detached two storey residential dwelling located within an established residential area. It is locally listed building and is also located within the St Albans Conservation Area. In terms of the local character, I agree with the officers report that this part of the street comprises primarily terraced dwellings which are similar in design and appearance, set in
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uniform plots. The appeal property is however a semi-detached dwelling with off road parking. The large flank elevation of the property which is rendered is visible on the approach along Bernard Street.

4. My attention has been drawn to policy 72 of the St Albans Local Plan Review (LP) 1994. This policy relates specifically to extensions within residential areas. It advises, amongst other things, that proposals should relate to the domestic scale, character and appearance of the street. The policy goes on to note that the extension should be compatible with the original building in terms of architectural style, detailing and materials. In addition, policy 85 of the LP deals with development in conservation areas. It advises, amongst other things, that proposals should have regard to the surroundings and the existing balance of buildings, and development should be sympathetic to the surroundings and the conservation area as a whole. Specifically in relation to extensions, it states at part (d) that these should normally be designed to leave the original building form predominant and the form of the original roof shall normally be extended or repeated.
5. The proposed extension would be set back by some 3.4m from the front elevation of the property and would be positioned to the side and rear of the dwelling, creating a wrap around extension. The side extension, when viewed from Bernard Street, would in my view be proportionate in scale and form to the host property. The ridge height in particular is set well below that of the main house ensuring the proposal would appear subservient to the host property, and would be in keeping with the domestic scale and form of the host property and the street scene generally. It would not in my view have an adverse or overbearing impact on the host property.
6. The Council state that the proposal would result in the loss of the characteristic L-shaped form of the dwelling which is characteristic of many dwellings in this part of the conservation area. However, I have no evidence to substantiate this statement, or any analysis from the Conservation Area Appraisal to support this statement. Whilst I agree the rhythm of the rear projections along the street is important, the proposal must be considered in the context of the proportions and scale of the host property concerned, as well as the street scene overall. I am unable to conclude that the scale of the proposal before me would cause material harm in this regard.
7. The Council have expressed concerns that the proposed extension would be visible from Dalton Street. I viewed the appeal site from Dalton Street which runs parallel with Bernard Street as part of my site visit. The rear of the host property and the neighbouring dwellings are visible from a number of vantage points along the road. The proposed extension, which I have already concluded would be proportionate in scale and form to the host property, would be seen within the context of both the host property and the rear elevations of the existing dwellings along Bernard Street. The visibility of an extension does not in itself mean that the proposal would cause material harm to the character and appearance of the Conservation Area. I am unable to agree with the Councils assertion that the proposal would cause demonstrable harm as a result.
8. The appellant has referred to a recent planning permission which has been granted at the site for a two storey side extension and single storey side and rear extension. I have been provided with a copy of the decision notice and

approved drawing. I am satisfied that this proposal represents a realistic fall back position and is therefore a material consideration in the circumstances of this appeal and I have attached weight to this in reaching my decision.

9. I therefore conclude the proposal would preserve the character and appearance of the Conservation Area. It would accord with the development plan policies outlined above, namely policies 72 and 85 of the LP. For the same reasons, the proposal would also accord with policy 69 and 87 from the LP. Policy 69 is a general design and layout policy. Policy 87 relates to locally listed buildings and advises, amongst other things, that extensions will not be permitted unless features of architectural or historic interest are preserved and policy 85 is complied with. I therefore conclude the proposal would preserve both the character and appearance of the St Alban's Conservation Area. Taking the above into account, the proposal would therefore be consistent with paragraph 135 of the National Planning Policy Framework (the Framework).

Conditions

10. I have had regard to the conditions suggested by the Council in light of paragraph 206 of the Framework. A condition limiting the life of the permission is necessary. I also agree it is necessary to specify the approved plans for the avoidance of doubt and in the interests of the proper planning of the area.
11. The Council have suggested a condition that all of the materials to be used shall match those on the existing building. I agree such a condition is reasonable and necessary in order to ensure the appearance of the development is satisfactory given the sites location within the St Albans Conservation Area. I have also attached a condition as suggested by the Council to ensure that the window to the first floor flank elevation as shown on drawing 1238-BEH-02 rev A is fitted with obscure glazing. This is in order to protect the living conditions of the adjoining occupiers. However, I have also added additional wording to ensure that no further openings are installed at first floor level to this flank elevation. This is also to protect the living conditions of the adjoining occupiers.

Conclusion

12. For the reasons outlined above and taking all other matters into account, the appeal is allowed.

C Masters

INSPECTOR