
Appeal Decision

Site visit made on 31 January 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 17th February 2017

Appeal Ref: APP/B1930/D/16/3165479

41 Church Street, St Albans, Hertfordshire, AL3 5NG

- 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 Ms Sophia Hermens against the decision of St Albans City & District Council.
 - The application Ref 5/16/2630, dated 29 January 2016, was refused by notice dated 17 October 2016.
 - The development proposed is a single storey rear extension and new rooflights to front elevation (amended scheme).
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and new rooflights to front elevation at 41 Church Street, St Albans, Hertfordshire, AL3 5NG in accordance with the terms of the application, Ref 5/16/2630, dated 29 January 2016, and the plans submitted with it, 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 following approved plans: CSS14 100 Rev A; CSS14 101 Rev A; CSS14 110; CSC16 210 Rev B; CSC16 211 Rev B; CSC16 212.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Application for costs

2. An application for costs was made by Ms Sophia Hermens against St Albans City & District Council. This application is the subject of a separate Decision.

Procedural Matter

3. The description of development given in my formal decision omits some of the text from the description provided on the planning application form. This omitted text simply states that the proposal is an amended scheme, and as such it does not describe acts of development.
-

Main Issues

4. The main issues are:

- (a) Whether the development would preserve or enhance the character or appearance of the St Albans Conservation Area, and the locally listed building, and;
- (b) The effect of the development on the living conditions of the occupiers of No 43 Church Street with regard to loss of outlook.

Reasons

Conservation Area

- 5. The appeal dwelling is a locally listed building within the St Albans Conservation Area, which encompasses the historic core of the City. The appeal site is located within the 'Folly Lane, Garden Fields & The Old Hospital' Character Area, which comprises mostly small, tightly knit terraced development of C19 construction. There is a high degree of continuity of plotting, scale, and materials in this area. The appeal property forms part of one of the oldest terraces within the Character Area.
- 6. The proposed extension would be located at the rear of the property, and would not be visible from the road. Whilst it would be seen from nearby rear gardens, longer views would be restricted by existing trees and planting. The extension would have a pitched roof that would be generally consistent with the roof shape of the existing outrigger. It would also be subservient in size and scale, and would be constructed in matching materials, which could be secured by condition. Overall, the design would be sympathetic to the character and appearance of the host property, and to the wider area.
- 7. I conclude that the development would preserve the character and appearance of the St Albans Conservation Area, and the locally listed building. It would therefore be in accordance with Policies 69, 72, 85 and 87 of the St. Albans District Local Plan Review (1994). It would also accord with guidance in the National Planning Policy Framework ('the Framework') in relation to designated heritage assets.

Living conditions

- 8. The extension would occupy the width of the plot, and would be constructed in close proximity to the boundaries with the adjacent properties. There is an existing timber fence along the boundary with No 43, although the flank wall of the extension would project above this.
- 9. The Council's Delegated Report refers to the effect of the extension on the rear windows to No 43 that are in "close proximity". However, there are no rear facing ground floor windows to No 43 that would be directly affected by the development. A small single storey rear extension to No 43, located on the boundary, contains an inward facing window. However, this faces away from the development and is obscurely glazed. The rear first floor windows are located above the proposed extension, and would therefore not experience any loss of outlook or light.
- 10. Whilst the extension would be visible from the garden of No 43, it would only represent a small increase in height compared to the existing boundary fence.

From the rear of No 43, the view across the site of the proposed extension is currently dominated by the existing properties and by the extension to No 39. The effect of the development on the outlook from the rear garden would therefore be limited, and it would not be overbearing in my view. Whilst the depth of the extension would be slightly greater than the 3 metres normally allowed for under Policy 72, no harm would arise from a non-compliance with the development plan in this case.

11. For the above reasons, I conclude that the development would not significantly harm the living conditions of No 43 Church Street with regard to loss of outlook. Whilst it would not strictly accord with Policy 72 of the St. Albans District Local Plan Review (1994) no harm would arise from this conflict. In my view, this lack of harm outweighs the failure to comply with the development plan in this case. The development would also accord with guidance in the Framework regarding the amenity of the adjacent occupiers.

Conditions

12. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary for clarity and to ensure a satisfactory development. I have also imposed a condition that requires the external materials to match the existing building. This is necessary to preserve the character and appearance of the building, and the wider conservation area.

Conclusion

13. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR