
Appeal Decision

Site visit made on 21 February 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 03 March 2017

Appeal Ref: APP/B1930/W/16/3163525

141 Crabtree Lane, Harpenden AL5 5RD

- 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 Peter Jenkins against the decision of St Albans City & District Council.
 - The application Ref 5/16/2698, dated 1 September 2016, was refused by notice dated 19 October 2016.
 - The development proposed is erection of two semi-detached four bedroom dwellings with the additions of conservatories to the rear.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two semi-detached four bedroom dwellings with the additions of conservatories to the rear at 141 Crabtree Lane, Harpenden AL5 5RD in accordance with the terms of the application, Ref 5/16/2698, dated 1 September 2016, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are (i) the effect of the development on the character and appearance of the area and (ii) the living conditions of the occupiers of No. 143 Crabtree Lane with particular regard to outlook.

Reasons

Character and appearance of the area

3. The appeal site comprises of two semi-detached dwellings currently under construction with spacious gardens to the rear. The appeal site is located in a mature well-established residential area, with a range of bungalows and two storey properties that provide a diverse mix of house types and variety in the design and appearance of the dwellings in the area.
4. Planning permission has been granted for two semi-detached dwellings under previously approved schemes¹ on the site, which on my site visit I observed had been substantially completed. However, the proposal now entails the construction of conservatories that would project out by about 3m from the rear elevation of the each of the dwellings. The conservatories would adjoin each dwellings single storey extension providing a combined extension measuring approximately 6.5m from the rear wall of the houses.

¹ 5/2015/2882 and 5/2016/1798

5. The appeal site is in a relatively large plot and as such the combined single storey extensions and conservatories would not appear overlarge, relative to the overall plot size. The proposed conservatories, whilst adding additional bulk to the dwellings, when combined with set back from the side elevations of the single storey rear extensions and set down at roof level, would ensure the proposal would sit relatively unobtrusively against the two storey form of the main dwellings. This would allow the proposal to achieve an appropriate degree of subordination to the main dwellings. The conservatories would only be partially visible from the road at the front above the boundary fence/wall between No. 143 Crabtree Lane (No. 143) and the car park to the adjacent Crabtree Church immediately to south west of the site. It is therefore considered that the main dwellings with the additional conservatories would have a limited impact on the street scene.
6. I note the Council's arguments regarding the larger scale and size of the dwellings currently under construction on the appeal site as compared to other dwellings in the locality. There is, however, a diverse range and mix of house types and sizes in the area, a matter acknowledged by the Inspector in the previous appeal decision for two dwellings on the site². I do not consider that the proposal would adversely harm the character and appearance of the area in this case for the reasons set out above.
7. Consequently, I conclude that the proposal would not have a harmful effect on the character and appearance of the area. The development would accord with Policies 69 and 70 of the City and District of St Albans District Local Plan Review 1994 (LPR). These policies, amongst other things, seek to ensure that all development will be of a high standard of design to reflect local distinctiveness and that the proposal respects the character, visual quality and landscape of the surrounding area. The proposal would accord with the National Planning Policy Framework (the Framework) that development should seek to secure a high quality of design (paragraph 17); to respect the local character (paragraph 58); and to promote or reinforce local distinctiveness (paragraph 60).

Living conditions of the occupiers of the neighbouring property

8. The proposed conservatories would be set back from the side boundary and would be separated from No. 143 by a 2m high wall. The appeal site is at a higher level than the adjacent property at No. 143.
9. Whilst I accept that there would be some impact from the proposal, given the overall height of the proposed conservatories, boundary treatment, site levels, set back and the orientation of the two properties, I consider that the proposal would not dominate the views nor result in an overbearing impact at the rear of No. 143. The outlook at the rear of No. 143 is already towards the boundary wall and top part of the rear single storey extensions at No. 141 and as such, the relationship between the proposed conservatories and the adjacent property would not be significantly different to the existing situation on the site.
10. I have noted the objections raised by Harpenden Town Council to the proposal. However, in light of my findings on the main issues of the appeal, my decision does not turn on these matters.

² APP/B1930/A/13/2210922

11. Consequently, I conclude that the proposal would not cause unacceptable harm to the living conditions of the occupiers of No. 143 with particular regard to outlook. It would accord with the overall amenity aims of Policy 70 of the LPR. This policy, amongst other things, seeks to ensure new residential development does not adversely affect the amenities of nearby properties or the locality in general. In addition, it would 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).

Conditions

12. I have had regard to the various planning conditions that have been suggested by the Council. In addition to the standard time limit condition, I have specified the approved plans as this provides certainty. Those conditions relating to the detailing of the landscaping, hedge retention, construction works, window details, withdrawal of the permitted development rights, slab levels and tree protection are appropriate as they would safeguard the amenity of neighbouring properties and the character and appearance of the area. I agree that a condition relating to car parking/garaging arrangements is appropriate in the interests of highway safety.

Conclusion

13. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR

Schedule of 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: Drawing Nos MMPJ/CL/32, MMPJ/CL/33 REV A, MMPJ/CL/34 REV A, Proposed Block Plan, MMPJ/CL/27 REV D, MMPJ/CL/29, REV C received 01/09/2016.
- 3) The development shall be carried out in accordance with the approved details relating to the hedge retention of the development as agreed by approved discharge of condition ref. 5/2015/2286 decision letter dated 30/09/2015.
- 4) The development shall be carried out in accordance with the approved details relating to the hard and soft landscaping of the development as agreed by approved discharge of condition ref. 5/2015/2286 decision letter dated 30/09/2015 and shall be implemented within the next available planting season following the completion of works on the dwellings hereby approved.
- 5) No demolition or construction works relating to this permission shall be carried out on any Sunday or Bank Holiday nor before 07.30 hours or after 18.00 hours on any days nor on any Saturday before 08.00 hours or after 13.00 hours.

- 6) The windows to be created in the first floor side elevations of the dwellings hereby approved that face towards Crabtree Church and No. 143 Crabtree Lane, shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres taken from internal finished floor level. The windows shall not thereafter be altered to clear glazing or another opening method without the prior written approval of the Local Planning Authority.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwellings (Part 1, Class A) hereby permitted, including any additions or alterations to the roof (Part 1, Classes B and C), without the prior written permission of the Local Planning Authority.
- 8) No internal or external alterations shall take place to any garage that would preclude its use for housing motor vehicles without the written permission of the Local Planning Authority first being obtained. The garaging and parking spaces shown on the approved drawings shall be provided prior to the first occupation of the dwelling to which they relate and thereafter they shall be maintained as a permanent ancillary to the development and shall be used for no other purpose at any time.
- 9) The development shall be carried out in accordance with the approved details relating to the slab levels of the development as agreed by approved discharge of condition ref. 5/2015/2286 decision letter dated 30/09/2015.
- 10) In this condition "retained tree" means an existing tree which is to be retained in accordance with approved plan and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the buildings hereby permitted.
 - (a) no retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work);
 - (b) if any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and the tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority;
 - (c) the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the recommendations set out in BS 5837 (2012) and the approved plans and particulars before demolition or any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.