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## Appeal Decision

Site visit made on 8 May 2017

**by Michael Boniface MSc MRTPI**

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

**Decision date: 12<sup>th</sup> May 2017**

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**Appeal Ref: APP/B1930/D/17/3170035**

**48 Russet Drive, St Albans, AL4 0BA**

- 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 Mrs Nicola Seabrook against the decision of St Albans City & District Council.
  - The application Ref 5/16/3327, dated 7 November 2016, was refused by notice dated 23 December 2016.
  - The development proposed is a single storey side extension.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The appeal was accompanied by an Arboricultural Report (7 February 2017) and a Tree Protection Plan (April 2017) which post-date the Council's decision and did not form part of the planning application. As the appeal is submitted under the Householder Appeal Service, it is to be determined in line with the original application and decision without opportunity for the Council to provide any additional statement. If I were to accept the additional information at the appeal stage, the Council and other interested parties' would be prejudiced as they would have no opportunity to consider the submissions. As such, I have not taken them into account.

### Main Issues

3. The main issues are the effect on the character and appearance of the area and the effect on a tree subject of a Tree Preservation Order.

### Reasons

#### *Character and appearance*

4. The appeal property is a two storey detached dwelling located on the corner of Russet Drive and Bramley Way. It is surrounded by further modern residential properties of a similar character and appearance. The proposed extension seeks to extend the dwelling to the side, utilising space up to the position of the existing boundary fence, beyond which is a grass verge along the highway boundary. The extension would utilise matching materials and would have pitched elements to its roof but the size and shape of the addition results in a large area of flat roof that would be at odds with the design of the original property. I note that a rear extension of the property incorporates a similar

roof design but this is well removed from the public realm and is consequently less prominent than the extension proposed.

5. The irregular shape of the extension would also contrast the simple form of the appeal property and its neighbours', appearing as a contrived and inelegant appendage that would fail to reflect the original form and design of the appeal property. The extension would be prominent and visually intrusive in views from both Russet Drive and Bramley Way despite the wide tree planted verge. This would be to the detriment of the character and appearance of the area.
6. As such, the development would be in conflict with Policies 69 and 72 of the St Albans City and District Local Plan Review (1994) (LPR), which are consistent with the National Planning Policy Framework (the Framework) in so far as they seek a good standard of design that reflects local character and respects the design of the original building.
7. The Council also refers to Policy 13 of the LPR but accepts that the building is not inappropriate development in the Green Belt. Given the size, scale and context of the proposed addition within a housing estate, no harm to the Green Belt would result and I find no policy conflict in this respect.
8. I have noted that other properties in the area have been extended but no specific example has been drawn to my attention and I saw none that were directly comparable to the appeal scheme.

#### *Trees*

9. The proposed extension would stand in very close proximity to a Lime tree subject of a Tree Preservation Order (TPO1254) and which has significant public amenity value. Little information accompanied the planning application to identify the potential impacts on the tree or whether the proposed development could be accommodated without unacceptable harm. In the absence of sufficient information, it cannot be concluded that the development would not unacceptably harm the tree.
10. As such, the development is in conflict with Policy 74 of the LPR which seeks to retain and protect healthy trees and other important landscape features. Again, this is an objective consistent with the Framework.

#### **Other Matters**

11. I note that the development would improve the size and standard of accommodation for the appellant but this personal benefit does not outweigh the significant harm that I have identified with regards to the main issues.

#### **Conclusion**

12. The development would harm the character and appearance of the area and it has not been demonstrated that an important tree could be satisfactorily protected.
13. In light of the above, and having considered all other matters, the appeal is dismissed.

*Michael Boniface*

INSPECTOR