The Planning Inspectorate

Appeal Decision

Site visit made on 15 June 2017

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 4th July 2017

Appeal Ref: APP/B1930/W/17/3168690
10 Dellcroft Way, Harpenden, Herts AL5 2NG

- 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 David Kearns against the decision of St Albans City & District Council.
- The application Ref 5/16/2122, dated 5 July 2016, was refused by notice dated 26 August 2016.
- The development proposed is the demolition of existing dwelling an erection of replacement dwelling.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling an erection of replacement dwelling at 10 Dellcroft Way, Harpenden, Herts AL5 2NG in accordance with the terms of the application, Ref 5/16/2122, dated 5 July 2016, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site comprises a two storey detached dwelling in a relatively spacious rectangular curtilage. It is set back from and faces the road to the north east. It is of an individual design and finished in brick with a fully hipped roof and external chimney stacks. There is an offset forward projecting two storey section to the front and an asymmetric sloping roof at the rear which accommodates a central dormer window. The site also benefits from some tree and hedge planting.

4. Contrast and variety are key characteristics of the design of dwellings in the street scene. One of the limited number of similarities between the dwellings is that all of them are relatively large, two storey and sat to the front of their respective plots. Albeit they are far from uniform in their exact positioning relative to the front boundary. Materials and finishes also differ from older imperial to more modern brick as well as painted render finishes which can appear quite stark and thus prominent.

5. The proposed dwelling would be located further forward in its plot but only by a marginal degree and would be mainly down to its increased footprint overall. It would nonetheless retain the frontage character of the area and the informality of exact positioning. By virtue of taller, flusher exterior detailing the scale of the dwelling would appear noticeably larger. It would be taller than Number 12 but it would be closer to the total height of No 8. In any event I would not define the difference as huge. The depth would also increase but setting this and my findings on the height in the context of the varied nature of the street scene I do not find harm.

6. A crown roof is a key part of the proposed dwelling's design and from the evidence before me and my own findings on site it would be the only use of a crown roof in the street scene. Be this as it may, all of the dwellings are of different design and it is this contrast and difference that is more of a defining characteristic of the area than the absence of a crown roof. There is a mix of gables, hips and in some cases both on the same building. In at least one case there is a parapet wall which in itself is unique to the street.

7. Taking into account all of the above factors, I am not persuaded that the proposed replacement dwelling, by virtue of its design, scale and use of a crown roof, would be harmful to the character or appearance of the area. It would therefore be acceptable with regard to saved Policies 69 and 70 of the Local Plan[1] and section 7 of the Framework[2]. These Policies seek to ensure, amongst other things, that new development is of a high quality and contextually appropriate design and appearance.

Conditions

8. I have had regard to the conditions that have been suggested by the Council. I have made some changes in the interests of clarity and enforceability and imposed the following.

9. As well as the standard time condition I have imposed one specifying the approved plans for certainty. To ensure an appropriate external appearance I have set out that the materials shall be agreed. This would need to be done prior to the commencement of development since it goes to the heart of the planning permission.

10. In the interests of the living conditions of neighbouring occupiers, I consider it would be reasonable to limit the hours for demolition and construction works on site. There have been no objections to the timings suggested by the Council and I agree that they are reasonable. For the same reason, and taking into account the increased size and slightly amended siting of a dwelling within the plot, future control over extensions and alterations under Classes A, B and C under Schedule 2, Part 1 of the GPDO[3] would be justified as well as ensuring that the new first floor side windows will be obscurely glazed. With regard to the glazing, it would be sufficient for this to be done prior to the occupation of the dwelling.

11. I note the Council's suggested condition with respect the existing trees on the appeal site. The condition sets out that no existing trees shall be damaged etc until at least five years following the contractual practical completion of the

[1] St Alban's District Local Plan Review 1994
[2] The National Planning Policy Framework
[3] Town and Country Planning (General Permitted Development) (England) Order 2015

proposed development. There is somewhat of a green and leafy character to the area but having viewed the appeal site there is nothing of any great maturity or quality that would be directly affected by the proposed development. The Council have not suggested that a formal landscaping scheme should be submitted and it being a private garden I would be inclined to agree. For these reasons I have elected not to include this condition.

Conclusion

12. For the reasons and subject to the conditions set out in the schedule, the appeal is allowed.

John Morrison

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plan, drawing number DPL/16/12-1, dated 20/06/2016.

3) Notwithstanding the details shown on the plans hereby approved, no development shall commence until details/samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.

4) Demolition or construction works shall take place only between 07:30 and 18:00 Mondays to Fridays, between 08:00 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

5) 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), no development shall take place in respect of Classes A, B or C of Schedule 2, Part 1.

6) The dwelling hereby permitted shall not be occupied until the windows in the first floor of the side elevations have been fitted with obscured glazing and no part of those windows that are 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.