



Appeal Decision

Site visit made on 8 August 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 8th September 2017

Appeal Ref: APP/B1930/W/17/3174618

5A Selby Avenue, St Albans, Hertfordshire AL3 5EN

- 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 Lidia Jeavons against the decision of St Albans City & District Council.
 - The application Ref 5/16/3507, dated 22 November 2016, was refused by notice dated 13 February 2017.
 - The development proposed is described as "brick up window openings, insert low set conservation roof lights to rear roof, insert light pipe to rear roof, insert wooden window in rear gable wall, insert double glazed flush casement uPVC dormer windows, install metal gate and railings to front of house."
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Decision

1. The appeal is dismissed insofar as it relates to the insertion of double glazed flush casement uPVC dormer windows. The appeal is allowed insofar as it relates to the works to brick up window openings, insert low set conservation roof lights to the rear roof, insert a light pipe to the rear roof, insert a wooden window in the rear gable wall and install a metal gate and railings to the front of the house. Planning permission is granted to brick up window openings, insert low set conservation roof lights to the rear roof, insert a light pipe to the rear roof, insert a wooden window in the rear gable wall and install a metal gate and railings to the front of the house at 5A Selby Avenue, St Albans, Hertfordshire AL3 5EN in accordance with the terms of application, Ref 5/16/3507, dated 22 November 2016, subject to the conditions on the attached schedule.

Main Issue

2. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the St Albans Conservation Area.

Reasons

3. The St Albans Conservation Area is a very large and varied area. As a result, it has been broken down into areas with the appeal site within the Gombards and Spencer Park Estate Area (GSPEA). This area is largely residential comprising late Victorian and early Edwardian properties. The appeal site itself forms one of a row of bay fronted dwellings constructed of brick, some of which have been painted or rendered. The site lies very close to the junction with Britton Avenue and there is a degree of uniformity created by the similar appearance and layout of dwellings. The majority of dwellings, including the appeal property, are locally listed.

4. The area appraisal for the GSPEA confirms that, "Most houses are two storey, although a few have accommodation within the roof space lit by dormers on the roof slope." The GSPEA also acknowledges that there is scope for change within the area with unsympathetic changes to windows and doors which can erode the iteration and rhythm of frontages.
5. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area.
6. Paragraph 131 of the National Planning Policy Framework (the Framework) states the need to take account of the desirability of sustaining and enhancing the significance of heritage assets. The Conservation Area is a designated heritage asset and paragraph 132 of the Framework states that great weight should be given to the asset's conservation.
7. The development proposes to brick up an existing WC and larger window with matching brickwork on the side elevation and to insert 4 Conservation grade roof lights and a light pipe in the side roof slope. A new timber window with brick arch in the existing extension on the rear elevation and new iron gates and railings to the front of the property are also proposed. These particular elements are considered to be in keeping with the building and would have a neutral impact on the character and appearance of the St Albans Conservation Area and are acceptable in this regard.
8. The proposed dormers would be flush casement windows constructed of uPVC. Despite the windows being flush, it is apparent that the use of uPVC would fail to replicate the refinement that timber windows can produce with its narrow frames and glazing bars, typical of historic windows. Even at roof level, the solid frames and difference in materials would be noticeable. Consequently, I find the use of uPVC to have an incongruous appearance that fails to preserve or enhance the St Albans Conservation Area.
9. As a result of the detailing and materials, the windows would cause harm to this part of the Conservation Area. However, given the size of the Conservation Area, the harm identified would be less than substantial. Accordingly, the Framework requires that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
10. The appellant states that the use of uPVC is for health and safety and for ease of maintenance. Moreover, there are other examples of uPVC windows in Selby Avenue and that the Council has approved replacement uPVC windows in other parts of the Conservation Area. The appellant is also confident that the proposed dormer windows would be superior to other dormer windows on Selby Avenue.
11. I have very little information before me regarding whether the examples cited on Selby Avenue required planning permission or under what circumstances the Council approved the use of uPVC in other parts of the Conservation Area. Moreover, these examples only serve to illustrate the harm that the use of unsympathetic materials can have on the appearance of the Conservation Area. While the proposed windows may be superior to other examples along Selby

Avenue, they would fail to replicate the refinement that timber windows produce.

12. No evidence has been submitted that there would be a public benefit from allowing the dormers to be constructed from uPVC that would outweigh the great weight that the Framework requires to be given to the conservation of heritage assets. There would however, be a public benefit from using timber windows to preserve the appearance of the Conservation Area and the locally listed building, including securing the optimum viable use of the building.
13. I therefore conclude that the use of uPVC for the dormer windows fails to preserve or enhance the St Albans Conservation Area contrary to Policy 69, 72, 85 and 87 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework which seek, amongst other things, to secure a high standard of design which preserves or enhances the character or appearance of a Conservation Area and that the historic interest of the building is preserved.

Conditions

14. The Council have suggested a number of conditions should I be minded to allow the appeal. The approved plans should be specified to provide certainty. As external materials need controlling to safeguard the appearance of the Conservation Area, samples of materials and details of the Conservation roof lights, the light pipe and gates and railings shall be submitted to the Council for approval before any development commences. Taking account of the nature of the site and its residential surroundings it is reasonable to restrict the hours of construction. Given the location of the site within the Conservation Area it would also be reasonable to remove permitted development rights for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure at the site.

Conclusion

15. In reaching a split decision, I find the proposed works to the dormer windows to be distinct and severable from the remaining elements that are considered acceptable. Therefore, having regard to the development plan when read as a whole, for the reasons given above, I conclude that the appeal should be allowed insofar as it relates to brick up window openings, insert low set conservation roof lights to rear roof, insert light pipe to rear roof, insert wooden window in rear gable wall and install metal gate and railings to front of house, but dismissed insofar as it relates to insert double glazed flush casement uPVC dormer windows.

Graham Wyatt

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, except in respect of the dormer windows, shall be carried out in accordance with the following approved plans: Site Location Plan; PA 01E Rev 1, PA 01P Rev 1, PA 02E Rev 1, PA 02P Rev 1, PA 03E Rev 1, PA 03P Rev 1, PA 04E Rev 1, PA 04P Rev 1, PA 05E, PA 05P and PA 06E.
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No work shall be started on the development hereby permitted until the following details have been submitted to and agreed in writing by the Local Planning Authority:
 - the materials, design and appearance of the 'Conservation' roof lights;
 - the materials, design and appearance of the light pipe; and
 - the materials, design and appearance of the new gate and railings along the front boundary.

The development shall be carried out in accordance with the approved details.

- 5) Demolition or construction works shall take place only between 0730 to 1800 on Mondays to Fridays, and between 0800 and 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 6) 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 falling within Part 2, Class A of the Order (the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure) shall take place without the prior written permission of the Local Planning Authority.