



Appeal Decision

Site visit made on 3 July 2019

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2019

Appeal Ref: APP/B1930/D/19/3226622

8 Salisbury Road, Harpenden AL5 5AY

- 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 Sally Benjamin against the decision of St Albans City & District Council.
 - The application Ref 5/18/2853, dated 26 October 2018, was refused by notice dated 18 January 2019.
 - The development proposed is described as: 'double side and rear extension and single-storey side and rear extension'.
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Decision

1. The appeal is allowed and planning permission is granted for ground floor rear and side extension with rooflight following removal of existing conservatory, first floor side and rear extension, alterations to openings at 8 Salisbury Road, Harpenden AL5 5AY in accordance with the terms of the application, Ref 5/18/2853, dated 26 October 2018, subject to the conditions set out at the end of this decision.

Procedural Matters

2. I have used the description of development as set out on the Council's Decision Notice and the appeal form, rather than as set out on the application form. This is in the interests of clarity and to ensure that all elements of the proposal before me are covered.
3. Since the determination of the planning application that is now the subject of this appeal, the Harpenden Neighbourhood Plan 2018-2033 (adopted February 2019) (the NP) has been made and now forms part of the Council's development plan. The Council has highlighted the newly adopted NP policies they consider to be relevant in this case. I have considered the appeal accordingly.
4. The submitted plan 8SR/PA/P-1/Rev-A contains an inconsistency. The roof design of the proposed first floor side and rear extension varies slightly when the Proposed East Side Elevation and Proposed Roof Plan (both depicted on plan 8SR/PA/P-1/Rev A) are cross-referenced. Whilst this inconsistency is minor, in the interests of clarity I have considered the appeal based on the roof design depicted on the Proposed East Side Elevation. This is because the elevations serve an important role in depicting the proposals before me and, I consider, must make up part of the schedule of approved plans should the appeal be allowed.

5. Furthermore, there is an error on submitted plan 8SR/PA/E-1, whereby an existing first floor window is not depicted on the Existing West Elevation but is shown on the Existing First Floor (both of which are depicted on plan 8SR/PA/E-1). For the avoidance of doubt, I have determined the appeal on the basis that this window already exists, which I also noted during inspection.
6. There is nothing before me to suggest that any concerns have been raised with respect to the proposed ground floor rear and side extension and the proposed alterations to existing openings, I have therefore not considered these elements of the proposal further in my reasoning.

Main Issue

7. The main issue is the effect upon the character and appearance of the area.

Reasons

8. The appeal property is detached and located upon a street comprised of detached, semi-detached and terraced properties. These properties are of various ages, have been constructed from a varied palette of materials and do not typically follow a uniformed pattern of development. Indeed, separation distances differ between neighbouring properties. There is thus a mixed character and appearance in existence.
9. The proposed first-floor extension would follow the side building line taken by the property's existing integral garage. Whilst this would mean that the extension would be situated close to the neighbouring property, 10 Salisbury Road (No 10), similarly close relationships already exist in the same wider streetscene between neighbouring 2-storey properties. Furthermore, any potential terracing effect would be guarded against by the proposed setback position of the extension relative to the front building line of the main dwelling.
10. I note that Policy 72 of the St Albans District Local Plan Review (adopted November 1994) (the Local Plan) states that where the cumulative effect of side extensions would lead to terracing of detached or semi-detached houses, upper floor extensions shall normally be a minimum of 1m from the party boundary. Whilst such a separation distance from the boundary with No 10 would not be achieved, I have found that any potentially harmful terracing effect would be avoided. The reasons for this include the prevailing mixed character and appearance of the area (which includes existing terraced properties), the close by existence of similarly narrow separation distances between neighbouring properties and the particular design approach that has been taken, which involves an intended setback front building line.
11. The Council has referred to a recent appeal decision at Tuffnells Way¹ where what I understand to be a proposal that included a side extension was dismissed on the grounds that it would result in a loss of spaciousness and cause harm to the streetscene. However, as acknowledged by the Council, a more uniformed pattern of detached properties was in existence when compared to the scheme now before me. In any event, each proposal must be considered on its own individual merits and in the context of its own site circumstances and surroundings. For the avoidance of doubt, I do not consider that a cramped relationship with No 10 nor a detrimental effect upon the streetscene would ensue.

¹ APP/B1930/D/17/3180576

12. For the above reasons the proposal would not cause harm to the character and appearance of the area. The proposal would accord with Policies 69 and 72 of the Local Plan and with Policies ESD1 and ESD2 of the NP in so far as these policies require that all development shall have an adequately high standard of design and that extensions shall relate to the domestic scale, character and appearance of the street.

Other Matters

13. A third party to this appeal has raised concerns that the proposal would adversely affect light entering high-level windows that serve the kitchen area of No 10. However, the ground floor level windows in question, given their high-level position and small size, appear secondary in form. I also note that the windows are northwest-facing, such that they would be expected to receive limited sunlight in any event. The Council has also not raised concerns in this context, and I am content that the living conditions of the occupiers of No 10 would not be adversely affected by the proposal with particular regard to any potential loss of light.
14. I note that the Council has also referred me to Policies ESD14, ESD15 and T11 of the NP. Whilst it is unclear if the Council alleges any conflict with these policies, I am content that the proposals would accord with their requirements and with the development plan when read as a whole. Material considerations do not lead me to a decision otherwise.

Conditions

15. In the interests of certainty, a condition specifying the approved plans is required. In light of an inconsistency on plan 8SR/PA/P-1/Rev-A (as discussed in Procedural Matters above), the Proposed Roof Plan contained on this plan shall not form part of the suite of approved plans and shall serve for informative purposes only. A condition is also required to ensure that the external surfaces of the proposal match existing building materials so as to protect the character and appearance of the appeal site and its surroundings.
16. In the interests of safeguarding the privacy of neighbouring occupiers at No 10 and the privacy of future occupiers of the proposal itself, a condition is reasonable and necessary to ensure that the approved south-east facing first-floor window opening is obscure glazed and non-opening up to a height of 1.7m taken from the internal finished floor level. This window is shown to serve an en-suite room on the submitted floorplans before me.

Conclusion

17. For the above reasons, the appeal is allowed subject to conditions.

Andrew Smith

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: 8SR/PA/LP; 8SR/PA/BP; 8SR/PA/E-1; 8SR/PA/P-1/Rev-A (except for the "Proposed Roof Plan" that is depicted upon this particular approved plan).
- 3) The external surfaces of the development hereby permitted shall match those used in the construction of the existing building.
- 4) The window to be created in the first-floor side elevation facing towards 10 Salisbury Road shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres taken from the internal finished floor level. Following its installation, the window shall not thereafter be altered in any way.