
Appeal Decision

Site visit made on 12 November 2019

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2019

Appeal Ref: APP/B1930/D/3234918

11 Wendover Close, St Albans AL4 9JW

- 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 Walker against the decision of St Albans City & District Council.
 - The application Ref: 4/19/0819, dated 27 March 2019, was refused by notice dated 23 May 2019.
 - The development proposed is a loft conversion with front rooflights and rear dormer window.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council amended the description of the development from 'conversion of attic with rear dormer' to 'loft conversion with front rooflights and rear dormer window'. I note that the revised description has also been used on the appeal form. I consider this represents a more precise description of the proposed development and have therefore proceeded on this basis.

Main Issue

3. The evidence before me is indicative that no issues have been raised in respect of the front rooflights. Instead, the main issue is the effect of the rear dormer window upon the character and appearance of the surrounding area.

Reasons

4. The appeal site consists of a detached dwelling, with a pitched roof, located in a cul-de-sac. Neighbouring dwellings, whilst constructed to differing designs, have comparable roof shapes and are located relatively close to one another. The rear boundary of the property is marked by trees, with a public right of way to the rear. Beyond this is Jersey Farm Woodland Park. This has an open, verdant quality in contrast to the urban form of St Albans. In addition, it is part of the Metropolitan Green Belt.
5. The proposed dormer window would occupy the significant majority of the rear roof slope, with relatively small set backs from the ridge, eaves and sides of the roof. The dormer window therefore represents a significant and bulky addition to the building's roof, which would result in the loss of almost all the rear roof slope. This contrasts with the character of the existing building, and

neighbouring dwellings. This character can be summarised through the presence of pitched roof dwellings, which blend into the more open character of the adjacent areas. Accordingly, the proposed dormer window would appear incongruous.

6. This is of concern since there is a public right of way to the rear of the site. Views of the rear elevation of the dwelling are therefore possible, which highlights the incongruous form of development. This is particularly notable given that the right of way slopes upwards to one side from the appeal site, which gives the development a further undue level of prominence.
7. I have had regard to the trees that are present to the rear of the appeal site. Whilst I acknowledge that they offer some screening from the public right of way, their linear planting form prevents meaningful screening from either side of the property. Accordingly, I do not believe that the trees would offer enough mitigation to overcome the aforementioned harm.
8. In addition, by reason of its positioning, and height in respect of surrounding trees, the dormer window would be visible in Jersey Farm Woodland Park. The dormer window would therefore represent a prominent built feature, more noticeable than the existing pitched roof. Accordingly, the open, more undeveloped character of this area would be adversely affected.
9. I acknowledge the appellant's suggestion that a condition could be imposed on any approval of planning permission to control the materials from which the dormer window would be constructed. However, whilst this could potentially ensure a degree of uniformity between the existing dwelling and the proposed dormer window, it would not overcome the excessive bulk, massing and scale of this element of the development. As a result, I am not persuaded that such a condition would overcome the previously identified harm.
10. My attention has been drawn to several other dormer windows within the wider area. I do not appear to have full information regarding the planning circumstances of these before me, which lessen the amount of weight that can be attributed to them. However, I note that most of the cited examples occur in areas where there are houses to the rear. Accordingly, they are situated in areas with a more built up appearance and are therefore less prominent.
11. I note that the dormer window at 36 Highview Gardens is notably smaller than the scheme before me and has a greater set back from the eaves. Therefore, it has a diminished impact upon the public right of way. Additionally, this property is located adjacent to an area within Jersey Farm Woodland Park that contains notably more planting. As a result, there is markedly more screening available. In consequence, I do not believe that the presence of dormer windows elsewhere requires me to set aside my previous concerns.
12. Owing to the position of neighbouring dwellings, which are of a comparable height to the appeal site, views of the side elevation of the existing house occur relatively infrequently and generally at oblique angles. As a consequence, it is unlikely that a significant number of views of the development would exist from either Wendover Close, or the surrounding road network. Therefore, the development, in this regard, would not harm the character and appearance of Wendover Close or the neighbouring streets.

13. It is apparent that a condition imposed by the Council in granting permission for a previous development stimulated the requirement of planning permission for the appeal proposal. I am mindful of the appellant's suggestion that without such a condition, the proposal could have proceeded under Permitted Development rights. Whilst this may be the case, the evidence before me is indicative of planning permission being required for the development currently under consideration and therefore, I have proceeded on this basis.
14. As a result, I conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, fails to comply with the requirements of Policies 69 and 72 of the City and District of St Albans District Local Plan Review (1994). These policies, amongst other matters, seek to ensure that new developments take into account the character and scale of their surroundings, and are compatible with the original building.

Other Matters

15. I have given the personal circumstances of the appellant careful consideration. However, I am mindful that, in general, planning decisions regarding land use need to be made in the public interest. Therefore, I find that these do not outweigh the unacceptable nature of the development.
16. The evidence before me is not indicative of the development leading to harm to the living conditions of the occupiers of neighbouring properties, that sufficient private garden space would be retained, and that the property has sufficient off-road car parking. However, such points do not overcome the harm as identified in respect of the Main Issue.
17. I am also mindful that the planning application did not result in the receipt of objections from the occupiers of neighbouring properties. Whilst this is a matter of some note, it is only one of the matters that must be considered in assessing a proposed development. Accordingly, I do not believe that this outweighs the harm as previously identified.
18. References have been made to a subsequent application for planning permission for a smaller dormer that has been submitted to the Council. I do not appear to have details in respect of this but have determined this appeal on its own merits.

Conclusion

19. Whilst I do not believe that the proposed development would result in harm to the character and appearance of Wendover Close, or neighbouring streets, there would be a significant adverse effect upon the character and appearance of the public right of way and Jersey Farm Woodland Park. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR