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# Appeal Decision

Site visit made on 3 December 2019

**by S Dean MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 January 2020**

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**Appeal Ref: APP/B1930/D/19/3239159**

**3 Etna Road, St Albans AL3 5NJ**

- 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 Miss Sarah Cooper against the decision of St Albans City & District Council.
  - The application Ref 5/19/1053, dated 20 April 2019, was refused by notice dated 3 September 2019.
  - The development proposed is a single storey side return extension to rear.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

## Main Issues

3. The main issues are (i) the effect of the proposal on the living conditions of the occupiers of 1 Etna Road (No 1) with regard to loss of light and privacy, and (ii) the effect of the proposal on the character and appearance of the area.

## Reasons

### *Living conditions*

4. The extension is proposed in brick to match the existing dwelling, under a slate roof along the shared boundary between the existing two-storey rear outrigger extensions which are a feature of this terrace. The gap between the existing rear elements and the shared boundary is relatively narrow, and both properties have openings of varying sizes facing both across the gap towards each other and out towards the gardens.
5. In considering the evidence of all parties on daylight and sunlight, I note that the submitted report already identifies that the rooms in question at No 1 have an Average Daylight Factor (ADF) which is already below the required value in the BRE Guidance. The quoted results of the assessment in that report have been subject to an unexplained degree of rounding that affects the post-development ADF.

6. This is consistent with the assertion of the Council which notes that it is the design of the buildings which results in the existing lighting conditions. I agree with that assessment and the windows in question are already somewhat shaded and their light somewhat limited. However, that does not mean that any additional effect should be discounted.
7. I accept that the effect of the proposal on the living conditions of No 1, with regard to loss of light, may be quantitatively minimal as shown by the submitted reports. However, I consider that it would have a significant qualitative effect, by reducing the light entering the property and limiting the outlook from the rear of No 1. The location of the proposal along the boundary would, in my view also create an enclosing effect. This gap currently has an open appearance and feeling, owing to the relatively low boundary treatment. I consider that the effect of the proposal would be heightened by the relatively small distance between the existing wall and windows and the proposal.
8. I note the suggestion of the appellant that the appeal proposal is in the context of the appellant being able to construct a 2m fence using their permitted development rights. However, the appeal proposal would be taller than such a fence, and with the roof above, would appear more substantial than a fence or other boundary treatment. I also acknowledge the references to other extensions. However, as I do not have further details of these, they do not alter my conclusions on the effect of the appeal proposal before me.
9. I do not consider that the appeal proposal would cause any harm to the living conditions of the occupiers of No 1 with respect to their privacy, owing to the replacement of the existing side-facing windows with a wall and skylight above. However, I do consider that the enclosing effect and apparent loss of light would cause unacceptable harm to the living conditions of the occupiers of No 1.
10. The proposal would therefore conflict with saved Policies 69 and 72 of the City and District of St Albans District Local Plan review 1994 (the LP), which seek, amongst other things to ensure that development is of a suitable standard of design such that it does not cause unacceptable harm to the amenity of adjoining properties.

#### *Character and appearance*

11. The appeal proposal would be located to the rear of a terraced property, not visible from the public domain. Whilst I accept that visibility from the public domain is not the sole criteria for assessing the effects of any proposal on the character and appearance of an area, it is clearly an important one.
12. Nevertheless, given the proposed appearance, scale, materials and form of the proposal, the proposal would appear entirely consistent with what one would expect in a location such as this on a property of this nature. The use of brick and slate means that the appearance would be consistent with the character of the host dwelling and its neighbours. It would therefore harm neither the character nor appearance of the area.
13. The appeal site lies within the St Albans Conservation Area (the CA), the significance of which is described as being the quality, cohesion and detailing of the area. Having regard to the great weight which should be given to the conservation of the significance of the CA, the location and nature of the

proposal, and my conclusions above, I consider that the proposal would preserve the character of the CA and not cause harm to the significance of it as a heritage asset.

14. The Council state that the building is locally listed. It is therefore a non-designated heritage asset, and whilst of a lower status than designated heritage assets, the National Planning Policy Framework (the Framework) requires that the significance of it should be taken into account and a balanced judgement should be made, having regard to the scale of any harm or loss and the significance of the heritage asset.
15. Although it has not identified the individual significance of the appeal site, the Council has identified the architectural cohesion, quality of materials, detailing and the strong identity and distinctiveness of residential areas as contributing to their significance. Owing to the nature of the proposal, its scale and use of appropriate materials, I do not consider that it would harm the building or its significance as a non-designated heritage asset.
16. With regard to its character and appearance, the proposal would therefore accord with the requirements of saved Policies 69 and 72 of the LP, which seek to ensure that development is of an adequately high standard of design and conforms to existing scale and character.

### **Conclusion**

17. For the reasons given above, I find that the proposal would be acceptable in terms of its effects on the character and appearance of the area, including on the CA, the locally listed building and the privacy of the occupiers of No 1. However, I find that it would have an unacceptably harmful effect on the living conditions of the occupiers of No 1 with regard to loss of light, and therefore conclude that the appeal should be dismissed.

*S Dean*

INSPECTOR