



Appeal Decision

Site visit made on 10 March 2020

by M Shrigley BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 April 2020

Appeal Ref: APP/B1930/D/20/3244899 48 Warwick Road, St Albans AL1 4DL

- 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 Ms Nicola Magdalinis against the decision of St Albans City & District Council.
 - The application Ref 5/19/2299, dated 10 September 2019, was refused by notice dated 6 November 2019.
 - The development proposed is a ground floor side/rear extension and associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for a ground floor side/rear extension and associated works at 48 Warwick Road, St Albans AL1 4DL in accordance with the terms of application, Ref 5/19/2299, dated 10 September 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with approved plan drawing numbers 1069-PL-303 Rev A, 1069-PL-304 Rev A, 1069-PL-305 Rev A and 1069-PL-307 Rev A.
 - 3) The materials to be used in construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the development on neighbouring living conditions with regard to outlook.

Reasons

3. No. 48 Warwick Road is a Victorian terraced property which lies within the St Albans Conservation Area (CA) and is Locally Listed. The appeal property along with neighbouring dwellings within the row have rear elevations featuring substantial two storey gable projections with intervening recessed gaps.
4. The proposal comprises an 'infill' extension between the existing two-storey rear addition and the shared boundary with No 50. It would extend to a depth consistent with that of the rear projection, with a maximum ridge height of 3m and an eaves height of 2.4m. A further discreet extension is proposed adjoining

the two-storey rear addition. The Council's objection relates to the infill extension and I have therefore focussed on this aspect of the proposed development.

5. The infill extension is relatively modest in scale. The roof and the upper part of the external wall of the extension would be visible above the shared boundary wall. However, the impact of those changes on the outlook from the ground floor kitchen and dining room windows to the rear of No. 50 would be limited due to the overall size of the extension and its receding roof design. Moreover, the existing two-storey projection and boundary wall already compromise the outlook from the windows or other parts of the curtilage of No. 50. Whilst part (viii) of policy 72 of the St Albans District Local Plan 1994 states that single storey rear extensions should not normally exceed more than 3m along a party boundary, the additional effect of the infill extension would not be significant.
6. The maximum height of the existing shared boundary wall is disputed. However, even if I were to accept that the eaves of the proposed extension would protrude 70cm above the shared boundary wall, I would still reach the same conclusions within respect to the impact to neighbouring living conditions.
7. Factoring the existing orientation of windows, the existing boundary wall and layout evident between the two properties. The additional single storey height and mass of the development proposed represents a change that would not lead to a significant effect in outlook to neighbouring windows or garden space by virtue of an overbearing form of development to the occupants of no. 50.
8. Overall the proposed development would not be harmful to neighbouring living conditions with respect to outlook. Whilst the development does not fully accord with all elements of Policy 72 of the St Albans District Local Plan 1994 it is within the spirit of its broad objective to protect neighbouring amenity. The development also complies with the relevant aims of the National Planning Policy Framework (the Framework) insofar as protecting living conditions from harm.

Other Matters

9. I have considered the objections towards reduction in natural light levels raised when the Council determined the application. I note light impact issues do not form the specific basis for refusal given on the decision notice. In any event, levels of daylight and sunlight are already compromised due to the relationship between the properties by the two-storey rear projections. I accept that any further reduction would be undesirable. However, the scale and design of the rear extension is such that the impact of the proposal would not be material.
10. Lastly, I am conscious of my statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 to pay special attention to the desirability to preserve or enhance the character or appearance of the Conservation Area.
11. The St Albans CA is recognised for its special architectural and historic significance. The specific residential architecture apparent comprising of a Victorian terrace are important intrinsic parts of the designation. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of designated asset great weight should be

given to the asset's conservation. The more important the asset the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

12. The development is a modest addition within a very small, localised part of the CA when considered as a whole. It occupies a discrete position away from public vantage points. It is a typical form of development associated with residential and domestic settings which would not appear strident in this context and where appropriate external facing materials can also be utilised. Thus, I consider the effect to the significance of the CA would be neutral. Therefore, the special character and appearance of the St Albans CA would be preserved. The Council has not raised any concerns about the development in relation to its effect on the significance of the locally listed building, which I have taken to be a non-designated heritage asset. From the evidence before me, I have no reason to disagree with that assessment.

Conclusion

13. For the reasons given above I allow the appeal.

M Shrigley

INSPECTOR