



Appeal Decision

Site visit made on 29 June 2020

by Hilary Orr MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2020

Appeal Ref: APP/B1930/D/20/3246672

60 Sandpit Lane, St Albans, Herts AL1 4BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Jon Meredith against the decision of St Albans City & District Council.
 - The application Ref 5/19/2638, dated 16 October 2019, was refused by notice dated 8 January 2020.
 - The application sought planning permission for first floor rear and single storey rear extension with rooflights, front porch without complying with conditions attached to planning permission Ref 5/2019/0159, dated 10 July 2019.
 - The conditions in dispute are No 2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg No.'s DPL/18/19-1 (Rev. B), DPL/18/19-SK3, Site Location Plan; and condition No 3 which states that: The external surfaces of the development hereby permitted shall be constructed only of materials, the type and colour of which match exactly those of the existing building.
 - The reasons given for condition No 2 is: For the avoidance of doubt and in the interests of proper planning; and for condition No 3: To ensure that the finished appearance of the building is satisfactory.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 15 July 2020.

Decision

1. The appeal is allowed and planning permission granted for a first floor rear and single storey rear extension with roof lights, and a front porch, at 60 Sandpit Lane, St Albans, Herts AL1 4BW, in accordance with the application Ref 5/19/2638, dated 16 October 2019, without complying with conditions No 2 and No 3, previously imposed on planning permission Ref 5/2019/0159, dated 10 July 2019, by the St Albans City & District Council, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect, and subject to new conditions as set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr Jon Meredith against St Albans City and District Council. This application is the subject of a separate Decision.

Background and main issue

3. The original planning permission was granted under reference 5/19/0159. This was for a first floor rear and single storey rear extension with roof lights, and a front porch.
4. The application subject to this appeal, sought to vary conditions No 2 and No 3 to allow changes to the design of the roof of the single storey rear extension and the use of external zinc cladding, rather than matching materials as required by condition No 3. The main area of dispute between the parties is the replacement of the approved false pitched roof on the single storey rear extension, to a flat roof.
5. It is clear from the Council's evidence and reasons why they refused the application, that the changes to the fenestration and the proposed materials are considered to be acceptable. I have no reason to disagree with this view. Accordingly, the main issue is the effect that the proposed changes to the roof design, would have on the living conditions of the occupiers of 60A Sandpit Lane, with regard to loss of light and outlook.

Reasons

6. The appeal site is a detached dwelling located to the south of Sandpit Lane in a generally residential area. The site is set back from the highway within a modest front garden, with a large garden to the rear. No 60A lies immediately to the east. The common boundary has a close boarded timber fence with well-established tree and shrub planting generally to both sides. Each property has a pedestrian access to the rear garden beside this common boundary.
7. The approved single storey extension is approximately 7m in depth, with an eaves height of some 2.3 and a false pitched roof above, taking the overall height to approximately 3.3m. The proposal would replace the false pitch with a flat roof, taking the resultant flat roof up to the approved height. Although of the same overall height, the loss of the sloped roof to the common boundary, would bring the upper wall of the extension closer to No 60A, by some 0.5m. These changes allow for an increased internal height for the extension.
8. I have had regard to the Daylight and Sunlight Assessment carried out by Brooks Development dated 30 January 2020. This considered the effect of the proposed alterations on the daylight and sunlight levels for the occupants of No 60A. This report carried out assessments in accordance with guidance set out in BRE report 209, Site Layout Planning for Daylight and Sunlight: A guide to good practice, Second Edition, 2011 (BR 209). The report concluded that the impact of the changes would be insignificant and unlikely to be noticeable to the occupants of No 60A. I have no evidence to suggest that the evidence provided by Brooks Development is either unreliable or otherwise incorrect. Nonetheless, an assessment of harm beyond that indicated by the assessment is necessary.
9. From my site visit, it was apparent that there would be a change in the outlook for No 60A, due to the change in the profile of the roof. The area of garden most affected by the proposal is the strip adjacent to the boundary. However, whilst the rear garden at No 60A is limited in length, it mirrors the design of the property, with the rear garden being very wide. Moreover, the pedestrian accesses to either side mean that the increased height would be set away from

the boundary and this very limited area of the garden.

10. It is recognised that a part of the extension would be visible from the garden of No 60A. However, given the limited part of the garden that would be affected, the related distances and the extensive screening, it is not considered that this would be detrimental to the enjoyment of the space by the occupiers.
11. On balance, I conclude that the proposal would not be unacceptably harmful to the occupiers of 60A Sandpit Lane, in terms of any overbearing or enclosing impact. Accordingly, the proposal would comply with saved Policy 72 of the City and District of St Albans District Local Plan Review (1994), which seeks to ensure that the light, privacy and amenity of adjoining properties are not unacceptably harmed.

Other matters and conditions

12. The guidance in the Planning Practice Guidance (PPG) makes clear that decision notices for the grant of planning permission under section 73 should repeat the relevant conditions from the original planning permission, unless they have already been discharged. At the time of my site visit works did not appear to have commenced and I have not been provided with any other evidence to suggest that the permission has been implemented. I have therefore re-imposed Condition 4, that relates to the window glazing.
13. The PPG also indicates that a grant of permission under section 73 should not extend the time period for implementation. I have therefore amended Condition 1 to reflect the date that permission 5/19/0159 was granted. Condition 2 has been amended to reflect the plan numbers approved by this decision. Condition 3 is amended to reflect the revised materials to be used on the single storey rear extension, subject to the application.
14. I have had regard to the concerns from the residents at No 58 and No 60A, who are concerned about the appearance of the revised extension and whether the changes carried out are necessary. The Council's evidence makes it clear that their concerns primarily relate to the impact the change in the roof would have on the living conditions of no 60A and this has been addressed above. I have no reason to disagree with the Council's view that the proposal is acceptable in character and appearance terms. Further concerns about the maintenance of the laurel boundary hedge and necessity for the changes, cannot be considered in the context of this appeal.

Conclusion

15. I have considered all of the matters before me, but overall conclude that the proposal would not cause unacceptable harm to the living conditions of the occupiers of 60A Sandpit Lane. The appeal should therefore succeed subject to the attached schedule of conditions.

Hilary Orr

INSPECTOR

Schedule of conditions.

1. The development hereby permitted shall be begun before the expiration of 3 years from 10 July 2019.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg No.'s DPL/18/19-1 C, DPL/18/19-SK3, and Site Location Plan.
3. The external surfaces of the first floor rear extension and porch hereby permitted shall be constructed only of materials, the type and colour of which match exactly those of the existing building. The single storey rear extension shall be finished in grey/black zinc.
4. The extension hereby permitted shall not be occupied, until the windows to be created in the first floor side elevation facing towards No. 58 shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres taken from internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

End of schedule