



Appeal Decision

Site Visit made on 8 June 2021 by Mr G Sibley MPLAN MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2021

Appeal Ref: APP/B1930/D/20/3263269

16 Glemsford Drive, Harpenden, Hertfordshire AL5 5RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Amgad Hamed against the decision of St Albans City Council.
 - The application Ref 5/20/1652, dated 22 July 2020, was refused by notice dated 15 October 2020.
 - The application sought planning permission for front and rear dormer windows to create loft conversion without complying with a condition attached to planning permission Ref 5/19/2568, dated 13 March 2020.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Drawing No. 432435111A.*
 - The reason given for the condition is: *For the avoidance of doubt and in the interests of proper planning.*
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The appellant has constructed dormer windows at the property which are not in accordance with the approved drawing specified in the disputed condition above. He has indicated that they are 10 centimetres above the ridge line and is seeking to retain them as constructed.
4. The drawings submitted with the appeal do not reflect the dormer windows as constructed. For the avoidance of doubt and mindful that the appellant wishes me to consider the dormers as built, I have assessed the development on this basis.
5. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Both parties were provided the opportunity to comment on the implications of this and I have taken comments received into account in my assessment of this case.

Main Issue

6. The effect of the development upon the character and appearance of the host dwelling and the street scene.

Reasons for the Recommendation

7. Glemsford Drive is a residential cul-de-sac comprising terraced and semi-detached properties, a number of which have been extended at roof level both on the front and rear elevations. With the exception of those at No 26, which the Council has indicated do not benefit from planning permission to be extended higher than the ridgeline, these dormer roof extensions sit comfortably within the roofscape being modest in scale and set below the ridge level of the dwellings that they serve.
8. No 16 is an end of terrace property with the terrace having a staggered roof line with the host property being lower than its attached neighbours. There are flat roof dormer windows on the rear of other properties within the terrace but no front dormer windows other than on the host property. The approved dormer windows whilst sitting close to the property's ridge line are shown to be below it on the approved drawings.
9. Although the rear dormer window is viewed in the context of those on the adjoining properties and is not unduly prominent when viewed from the rear, its height and size is apparent from the front elevation, with its fascia board projecting above the ridge line of the host property. When, taken with the front dormer window it has introduced a bulky, alien roof form which does not reflect the character or appearance of the host dwelling, the terrace of which it forms part or the area within the vicinity of the appeal site.
10. I note that the increase in height of the dormers suits the appellant's needs, however it is likely that such needs could be met without harm being caused as identified. Furthermore, the changes to the Town and County Planning (General Permitted Development) (England) Order 2015 (GPDO) would not permit the above scheme to be built and as a result is not a consideration which weighs in favour of the development. Moreover the changes to the GPDO are not an excuse to permit poorly designed development that would be contrary to paragraph 126 of the Framework which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
11. Given the above I conclude that the dormer windows causes harm to the character and appearance of the host dwelling and the street scene contrary to Policies ESD1 and ESD2 of the Harpenden Neighbourhood Plan 2018 – 2033 (made 2019) as well as Policies 69 and 72 of the City and District of St Albans District Local Plan Review (adopted 1994) and the Framework which combined seeks to ensure that development takes into account the scale and character of its surroundings as well as for extensions to relate to the original building.

Conclusion and Recommendation

12. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that condition 2 is necessary and the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

RC Kirby

INSPECTOR