
Appeal Decision

Site visit made on 14 December 2021

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2021

Appeal Ref: APP/B1930/D/21/3282480

9 Mortimer Crescent, Kings Park, St Albans AL3 4GB

- 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 and Mrs Palmer against the decision of St Albans City Council.
 - The application Ref 5/21/1307, dated 5 May 2021, was refused by notice dated 13 July 2021.
 - The development proposed is front and rear facing dormer windows to facilitate loft conversion.
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Decision

1. The appeal is allowed and planning permission is granted for front and rear facing dormer windows to facilitate loft conversion at 9 Mortimer Crescent, Kings Park, St Albans AL3 4GB in accordance with the terms of the application, Ref 5/21/1307, dated 5 May 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2020/42/01; 2020/42/02; 2020/42/04.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those specified on the planning application form or the approved plans.

Procedural Matter

2. The National Planning Policy Framework (Framework) was revised on 20 July 2021. It replaces the version from 2019 that the Council considered when it determined the application. There are few differences between the two versions of the Framework regarding the specific issues in dispute for this appeal, and so it has not been necessary to seek the views of the parties on this matter.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The site comprises a two storey mid-terrace dwellinghouse that forms part of a group of residential properties which enclose a communal parking area accessed from the Mortimer Crescent highway. Pedestrian access can also be gained to King Harry Lane from the parking area via a footway between

properties. The wider area is also residential in nature. There is some house type variety in the vicinity; however, many properties feature dormer windows with flat roofs. Notably, 13 Mortimer Crescent features a rear dormer that roughly faces the parking area.

5. The Council has raised no objections regarding the proposed front dormer. I see no reason to find otherwise and thus it would not harm the character and appearance of the area.
6. The rear dormer would be visible primarily from the parking area and surrounding properties. It would project across a large proportion of the dwelling's rear roof slope and be larger than the front dormer. However, intervisibility between the front and rear dormers would be limited. Moreover, there is variety in the size of the dormers in the wider area and, as the dwelling shares a roof with No 9 and the roofs of the other dwellings in the terrace are mostly unaltered, the rear dormer would not appear disproportionately large or to dominate the roof. The rear dormer would not be incongruous in the context of the dormers at No 13 and elsewhere in the vicinity.
7. The Council is concerned that similar development facing the parking area could have adverse cumulative effects. However, dormer windows are an established part of the locality's character and appearance. The combination of dormers at Nos 9 and 13 would not be harmful, and I do not consider that this proposal would lead to cumulative adverse effects with potential similar future development. In any case, permitted development rights relating to roof extensions have been removed and thus the Council would be able to assess any proposals that may come forward. I am satisfied that allowing this appeal would not prevent harmful development being resisted.
8. The Council has recommended a condition to require that the materials to be used match those used for the existing dwelling. The submissions indicate that the front dormer would be finished in lead. However, the application form and drawings suggest that the rear dormer could be finished in lead or zinc. Having regard to my above findings, either material would be appropriate for the rear dormer. A condition to require that the materials for the proposal accords with the application form or the approved drawings is necessary to ensure that it respects the area's character and appearance.
9. The proposal would not harm the character and appearance of the area. It accords with Policies 69 and 72 of the St Albans District Local Plan Review, which set out general design and layout criteria and requirements for extensions in residential areas. It also accords with Chapter 12 of the Framework which, amongst other things, encourages development that is visually attractive and sympathetic of local character.
10. In addition to the aforementioned condition, the standard time and approved plans conditions are required for certainty.

Conclusion

11. For the reasons given above, the appeal is allowed.

Mark Philpott

INSPECTOR