
Appeal Decision

Site visit made on 28 February 2022

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2022

Appeal Ref: APP/B1930/C/21/3275580

56 Windermere Avenue, St. Albans, Hertfordshire

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr A Edwards against an enforcement notice issued by St Albans City & District Council.
 - The enforcement notice was issued on 14 April 2021.
 - The breach of planning control as alleged in the notice is the unauthorised erection of a first floor rear extension.
 - The requirements of the notice are:
 - (i) Remove the first floor extension and reinstate the property to its former state in accordance with the existing floor and elevations drawing number WMA.01.01.A dated 03.08.2016 submitted with planning application 5/2020/1327 received on 18 June 2020.
 - (ii) Make good any damage to the building to match the existing original work to the property, so as to be undisturbed by the unauthorised works, in respect of materials used, detailed execution and finished appearance.
 - (iii) Remove from the land all rubble and building materials arising as a result of compliance with step.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a first floor rear extension at 56 Windermere Avenue, St. Albans, Hertfordshire.

Procedural Matters

2. The site visit procedure was altered from an accompanied site visit, as neither the appellant nor their representative was present when I arrived at the site at the pre-arranged time and date. However, I was able to view the development from the appeal site and adjacent land. Both parties were subsequently written to explaining the change in procedure, and therefore I am satisfied that neither party would be prejudiced by this. The appeal will be determined on this basis.

Ground (a) appeal and the Deemed Planning Application

Main Issue

3. The main issue is the effect of the development on the character and appearance of the host building and area.

Reasons

4. The appeal site relates to a two storey semi-detached property located within a predominantly residential area. My attention has been drawn to a recent planning permission for an alternative first floor rear extension (retrospective) at the appeal site approved on 13 July 2021 (Council ref: 5/2021/1472). Condition 1 of that permission states that the time frame to implement the permission is nine months from the date the permission was granted. There is no question that that extant permission could be implemented, and therefore represents a legitimate fallback position against which to assess the current development.
5. The parties agree that the main difference is that the approved scheme included a first floor extension with a hipped roof, whereas the current unauthorised development is built with a flat roof. This leads me to conclude that the overall size, scale, and bulk of the first floor extension is considered acceptable in principle. Indeed, the removal of the hipped roof, reduces the overall size, bulk, and scale of the extensions at the appeal site, such that the extension remains of an acceptable overall size and subservient in relation to the host building.
6. The 'as built' flat roof first floor extension is made from a brick material which matches the host building and neighbouring dwellings. I also note that there is already a flat roof ground floor rear extension at the appeal site and there are a variety of both flat roof and hipped roof extensions in the area. Therefore, the flat roof design of the extension, compliments the host building and area generally. In addition, the windows materials also match those at ground level, giving the first floor extension and integrated design with the main dwelling and surrounding properties.
7. I therefore conclude that the development does not have a harmful impact upon the character and appearance of the host building and area. In this respect the development complies with Policies 69 and 72 of the St Albans District Local Plan Review (1994). Amongst other things these state that all development shall have and adequately high standard of design taking into account..... (i) context and (ii) materials and that the architectural style, roof form, windows, detailing and materials shall normally be appropriate to the original building. The development would also comply with the design policies of the National Planning Policy Framework, 2021.

Other Matters

8. No conditions have been suggested by the Council and as the development appears to be completed, there is no need for any.

Conclusion

9. For the reasons given above I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development described in the

enforcement notice. The appeal on ground (g) does not therefore fall to be considered.

R Satheesan

INSPECTOR