



Appeal Decision

Site visit made on 15 March 2022

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2022

Appeal Ref: APP/B1930/D/21/3275166

6 Prospect Road, St Albans, AL1 2AX

- 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 James Parker against the decision of St Albans City & District Council.
 - The application Ref 5/21/0533 dated 22 February 2021, was refused by notice dated 20 April 2021.
 - The development proposed is for a single storey rear extension following demolition of the existing single storey rear extension and insertion of rooflights.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension following demolition of the existing single storey rear extension and insertion of rooflights at 6 Prospect Road, St Albans, AL1 2AX in accordance with the terms of the application, Ref 5/21/0533, dated 22 February 2021, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr James Parker against St Albans City & District Council. This application is the subject of a separate decision.

Procedural matter

3. Since the appeal was submitted, a revised version of the Framework¹ has been published. Both main parties were given the opportunity to comment on this, but no responses were received.

Main issue

4. The Council has raised no concerns regarding the impact of the development on the character and appearance of the conservation area and existing local listed building and I see no reason to take a different view.
5. The main issue is the effect of the development on living conditions, with specific regard to whether it would dominate and appear overbearing to the occupants of No 8 Prospect Place ('No 8').

¹ National Planning Policy Framework, Ministry of Housing, Communities and Local Government, July 2021.

Reasons

6. The appeal site contains an attractive local listed 2-storey semi-detached Victorian dwelling within the St Albans Conservation Area.
7. The existing circa 2-metre high boundary fence is in close proximity to, and clearly visible from, the ground floor rear and side elevation windows of No. 8. I recognise that the side elevation wall of the proposed extension and its sloping roof would be taller than the fence, but this additional height and mass would be viewed against the backdrop of the 2-storey element of the existing rear outrigger of No 6 and the taller 3-storey side elevation of Ramryge Court. As a consequence, I do not consider that the proposed extension would appear any more dominant and overbearing to the occupants of No 8 than these existing structures and that the impact on living conditions would therefore be neutral.
8. The Council states that the extension exceeds the 3-metre limit set out in Policy 72 of the Local Plan². Although I consider this figure to be a good 'rule of thumb' for assessing the acceptability of many single storey rear extensions (particularly those where an adjoining property is of a modest size, has a flush building line and does not have any rear extensions/projections), there will on occasion be circumstances where a larger depth of extension might be suitable, as is the case with the current scheme. However, the wording of Policy 72 allows for such exceptions as it states that such extensions should not normally extend more than 3 metres ie it does not apply this restriction in all cases. As a consequence, I consider this policy to be flexible and broadly consistent with the Framework insofar as it relates to the main issue of the case.
9. In view of the above, I conclude that the development would not be harmful to the living conditions of the occupiers of No. 8. The proposal would therefore accord with Policies 69 and 72 of the Local Plan, which seek, amongst other things, to ensure that residential extensions do not unacceptably harm the amenity of an adjoining property.
10. I also find that the scheme accords with Paragraph 130 of the Framework which seeks, amongst other things, to ensure that development creates places with a high standard of amenity for existing users.
11. A condition has been imposed to ensure the scheme is carried out in accordance with the approved plans. I have also attached a condition regarding the materials and brick bond to be used to ensure that the appearance of the development is satisfactory.

Conclusion

12. In view of the above, having had regard to all other matters raised, I conclude that the appeal should be allowed.

Robert Fallon

INSPECTOR

² St Albans District Plan, City and District of St Albans District Local Plan Review, Adopted 30 November 1994, Written Statement.

Schedule of 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 and details:- Drawing nos. 2024/0S, 2024/01-1, 2024/01-2, 2024/02-1C, 2024/02-2B
- 3) No development above slab level shall take place until details/samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details/samples. The external walls of the extension hereby permitted shall be constructed in a brick bond to match that on the 2-storey rear elevation of the existing dwelling.

End of Schedule