

Appeal Decision

Site visit made on 10 October 2022

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th October 2022

Appeal Ref: APP/B1930/W/22/3299526

Chahal House, Toulmin Drive, St Albans, Hertfordshire AL3 6EG

- 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 Ramandip Kaur against the decision of St Albans City & District Council.
 - The application Ref 5/22/0122, dated 18 January 2022, was refused by notice dated 30 March 2022.
 - The development proposed is a two storey dwelling with habitable loft accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the living conditions of the residents of 9 and 11 Green Lane with regard to outlook; and the effect on the character and appearance of the area.

Reasons

3. The proposal would result in a three storey detached dwelling which would include the second floor accommodation within the roof space. The principle of a dwelling on this plot has been established by a number of previous permissions. The only plans I have been provided with are reproduced within the appeal statement. These relate to permission reference 5/2021/0082. On site, a new dwelling is nearing completion. It reflects many of the details of the plans provided although the dormer windows do not reflect the size of those shown on the plans. As I do not have plans that reflect the exact details of the works on site, I have compared the proposal to the approved plans. It would appear however, that the main dimensions of the building that has been built, reflects the main dimensions of the approved plans.
 4. The main differences between the approved plans and the plans now to be considered are the higher ridge and eaves; the position of the dormers being included at second rather than first floor level; and the introduction of a barn style hip to the roof rather than the lower approved gable.
 5. The building would be located very close to the rear of the plot in common with the existing building. The rear of the garden of 9 Green Lane lies immediately
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adjacent to the red line of the site. Although the garden is long, the residents can reasonably expect that their outlook within all of their garden would not be unacceptably harmed, although the perceived harm may vary with regard to the use of the different parts of the garden. The building as built is extremely dominant and significantly reduces the outlook from the adjoining area of garden in particular but also, to a lesser extent, the garden area closer to the house that it serves. The new building also dominates the outlook from the rear of the house.

6. The council accepted the current relationship despite the reduction in outlook that has inevitably resulted. I consider that the greater height at eaves level in particular, but also at ridge height, would increase the prominence of development when experienced in the neighbouring garden. This would result in the proposed works being significantly more imposing and overbearing than the approved development. This would be the case particularly in the garden area close to the new building, but also in the other areas of the garden nearer to the house. I consider that this increased level of harm would be unacceptable with regard to the living conditions of the neighbouring residents at 9 Green Lane when within their garden.
7. The hip of the roof would not alter the perception of the development when in most of the garden of number 9 although it may be of some benefit when viewing the proposal from the house itself and also from the rear of number 11. In any event, it does not address my main concern that this higher proposal would be overbearing and would unacceptably increase the harm to the living conditions of the residents of 9 Green Lane with regard to their outlook from their garden. The impact on the residents of 11 Green Lane would be greater than at present but not as harmful as the changes for the residents of number 9. I find that the proposal would result in conflict with Policy 70 of the St Albans District Local Plan Review 1994 (LP) as it does not have sufficient regard to its setting and its surroundings. I also find that the proposal would conflict with the National Planning Policy Framework with regard to amenity.
8. Reference has been made to the impact of the proposal on the character and appearance of the area. I found the upper parts of the building to be well screened by the roadside trees and benefited from the backdrop of trees to the side and rear. I appreciate that it would be more prominent in views during the winter months but subject to the dormer windows being relatively modest in width as shown, rather than the scale of those currently built, I consider that the changes to the approved plans would not materially change the impact on the street scene. It would not therefore conflict with the relevant design requirements of LP policies 69 and 70.
9. Overall, I am not persuaded that the proposal would be harmful to the character or appearance of the area. However, there are no matters sufficient to outweigh my concerns with regard to the unacceptable harm that would result to the living conditions of the neighbouring residents at 9 Green Lane when in their garden. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR