The Planning Inspectorate

# 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/D/22/3302708**
**6 Folly Avenue, St Albans, Hertfordshire AL3 5QD**

- 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 Richard Legge against the decision of St Albans City & District Council.
- The application Ref 5/22/0904, dated 4 April 2022, was refused by notice dated 15 June 2022.
- The development proposed is a rear dormer extension to roof.

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

## Reasons

3. The proposal is for a dormer roof extension to the rear of this property which lies within character area 7K of the St Albans Conservation Area. This property is part of a row of generally very closely spaced semi-detached houses between 2 and 32 (evens) Folly Avenue which are locally listed. Many of the properties of a similar age on the opposite side of the road are also locally listed. The conservation area appraisal describes that these streets are of typical Edwardian medium-high density houses.

4. The rear elevations and outriggers of the first six properties on Folly Avenue, including the appeal property, can be viewed when rising up Normandy Road. The houses have stepped but relatively uniform rear elevations with slightly lower paired outriggers. Although these properties exhibit some modern interventions such as roof lights, their roof scape remain relatively unaltered when viewed from Normandy Road. There are some dormer additions further down Folly Avenue but these are not visible from Normandy Road. They are visible, if very careful attention is paid, when viewing from Ladysmith Road.

5. The proposal at 6 Folly Avenue would be screened to a large extent by the rear outrigger that is shared with number 4. It would however have an upstand

above the outrigger roof as shown on the section drawing. Although of limited size, this small element would be evident when passing up Normandy Road and given the angle of view, part of it would be set against the sky, above the main ridge of the house. Whilst only a small element of the proposal would be evident, it would be at odds with the existing character of the building and the street and it would result in some harm to the wider character and appearance of the area. Given that the uncharacteristic upstand, above the outrigger, would be publicly visible, it would represent poor design in this very particular context. It would therefore conflict with Policy 69(i) and Policy 72(ii) of the St Albans District Local Plan Review 1994 as it would not have a suitable standard of design with regard to the height of the structure in relation to the outrigger; and it would not be compatible with the style and detail of the original building.

6. It would also conflict with Policy 85, part (i) and part (i)(f) as it would fail to enhance or preserve the appearance of the conservation area; and would be an uncharacteristic feature within the roofscape and on the skyline. The proposal would also conflict with Policy 87 which advises that alterations and extensions to locally listed buildings will not be granted unless features of architectural or historic interest are preserved and Policy 85 is complied with. This proposal, because of the element that would be publicly visible, would fail to preserve or enhance the character or appearance of the consideration area.

7. The National Planning Policy Framework is clear that any harm to a heritage asset, such as a conservation area, should be weighed against the public benefits of the proposal. Although care has been taken to limit the wider visual impact of the dormer, it would nevertheless, be apparent. The harm to the conservation area would be less than substantial as defined by the Framework. There would be some public benefits from the investment in the construction industry and associated trades. The main benefits would however be private. I am not satisfied that the public benefits would be sufficient to outweigh the harm that I have identified.

8. With regard to the dwelling being locally listed, as a non-designated heritage asset, the Framework requires that a balanced judgement is required having regard to the scale of the harm and the significance of the heritage asset. Whilst the scale of the harm would be limited due to the limited size of the addition and only a small element of it being publicly visible, I am not satisfied that there would be sufficient benefits to outweigh this harm.

9. A number of other roof extensions have been listed in the appeal statement and by the council. I was able to find other dormers in the area that have not been listed but I cannot assume that these were granted permission. I agree with the council that the number of dormers and the fact that views of those referenced took some searching for, indicates that they are not so numerous and prominent to have significantly altered the character of the area. Applicants should however be able to expect consistency in decision making where proposals are directly comparable; and the policies have not changed.

10. From those that I was able to view and from the lists provided by both parties, it is evident that the council has not applied a blanket ban on such additions but has taken the particular circumstances of each case into account. Some of those permitted are not visible as far as I could ascertain from public vantage points. Others, such as those on the same side of Folly Avenue, are more

central within the street and were much less publicly evident. The addition at 15 Folly Avenue was partially screened by vegetation in a rear roofscape that is visible from only a limited gap in the Cannon Street houses whilst 25 Folly Avenue was visible from the private road to Century Close beyond a dormer that is not listed. It may also be visible from the end of Oster Street.

11. There does appear to be a greater prevalence of dormers in Ladysmith Road although I could not view three of the four listed and whilst the dormer close to the junction with Folly Avenue has a relatively prominent upstand above the outrigger when viewed from Folly Avenue, I have no details to demonstrate that this was permitted by the council. Number 43A is, I believe, set between other dormers which I have similarly not been provided with planning references for. Overall, I am not satisfied that the examples provided are entirely comparable with the proposal before me. I have to consider the particular merits of this proposal and the very particular circumstances that relate to it. I am mindful that the examples that are evident do not represent a positive reason for allowing further development that I consider would represent poor design, particularly given the development plan requirements. I must also be mindful that the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty requiring that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

12. In conclusion, the proposal would fail to preserve or enhance the character or appearance of the conservation area and would be in conflict with both local and national policies, particularly with regard to heritage assets. Whilst I have had full regard to the matters put forward, including the personal circumstances of the appellant, these are not sufficient to suggest that an alternative conclusion should be reached. I therefore dismiss the appeal.

*Peter Eggleton*

**INSPECTOR**