
Appeal Decision

Site visit made on 5 July 2023

by Michael J Muston BA(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2023

Appeal Ref: APP/B1930/D/23/3323202

1B The Rise, Park Street, St Albans, Hertfordshire AL2 2NT

- 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 J Devers against the decision of St Albans City and District Council.
 - The application Ref 5/23/0009, dated 3 January 2023, was refused by notice dated 20 March 2023.
 - The development proposed is the raising and reconfiguration of the roof to provide first floor accommodation, repositioning of the main entrance to the front elevation, and alterations to openings.
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Decision

1. The appeal is allowed and planning permission is granted for the raising and reconfiguration of the roof to provide first floor accommodation, repositioning of the main entrance to the front elevation, and alterations to openings at 1B The Rise, Park Street, St Albans, Hertfordshire AL2 2NT, in accordance with the terms of the application, Ref 5/23/0009, dated 3 January 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: J1886/Po1 Rev A, P02, P03, P04, and P05 Rev A.

Main Issue

1. The main issue is the effect of the proposed development on the living conditions of the occupiers of 54 Mount Drive, particularly by reason of any overbearing impact.

Reasons

2. The Rise is a residential street that includes both two storey and single storey properties. The appeal dwelling is currently single storey, and the proposal involves the erection of a first floor. The new first floor has been designed with

a hipped roof, in an attempt to minimise the impact on the living conditions of the occupiers of 54 Mount Drive.

3. The rear elevation of No 54 faces the appeal site, and is at a lower level. However, the distance between the two dwellings, and the fact that the proposed extension would have a hipped roof, would mean that the appeal proposal would not appear unduly overbearing when seen from any of the rooms in No 54's rear elevation.
4. The Council is concerned that the additional height of the proposed extension, including the height of the ridge, would result in the proposed extension still appearing overbearing when seen from No 54, even though the BRE guidance relating to sunlight and daylight would be complied with. However, the difference in levels between the two dwellings and the proposed hipped roof would mean that the new ridge would not be a prominent feature when seen from No 54. Instead, it would be the new side wall that would be the dominant feature when viewed from the adjacent property, with the eaves appearing as the top of that wall. I do not consider that the resulting impact would be unacceptable.
5. I conclude that the development would not have an adverse effect on the living conditions of the occupiers of 54 Mount Drive, and would comply with Policy 72 of the St Albans District Local Plan Review 1994 which says, amongst other things, that the light, privacy or amenity of adjoining property shall not be unacceptably harmed.

Conditions

6. As well as standard conditions relating to when the development should commence and compliance with the approved plans, a condition requiring the external materials used to match the existing building is necessary, to protect the character and appearance of the area.

Conclusion

7. For the reasons set out above, I conclude that the appeal should be allowed, subject to the conditions set out above.

Michael J Muston

INSPECTOR