



Appeal Decision

Site visit made on 10 October 2023

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th October 2023

Appeal Ref: APP/B1930/D/23/3322327

36 Worley Road, St Albans, Hertfordshire, AL3 5NS

- 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 Sheehan against the decision of St Albans City & District Council.
 - The application Ref 5/23/0313 dated 12 February 2023, was refused by notice dated 28 April 2023.
 - The development proposed is loft conversion to habitable accommodation with front and side rooflights and rear dormer window.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. There are several elements to the appeal proposal as outlined in the development description at the start of this decision letter. The Council raise no reasons for refusal based upon the proposed front and side rooflights. Based upon the evidence before me, and my site visit, I find no reason to conclude differently on these elements. The refusal reason is specific in its reference to the impact of the proposed rear dormer window so, for the avoidance of doubt, this appeal will focus upon this element in the context of the main issue outlined.
4. Since the determination of the application, and the submission of this appeal, a revised National Planning Policy Framework 2023 (the Framework) was adopted on 5 September 2023. The refusal reason generically references the Framework however, it is not considered that this impacts upon the determination of this appeal given the main changes to the Framework.

Main Issue

5. The main issue is the impact of the proposal upon the character and appearance of the host dwelling and the Conservation Area.

Reasons

6. The appeal site is a locally listed, end terraced, two-storey dwelling which stands within the St Albans Conservation Area (CA). Section 72 of the Planning (Listed Buildings in Conservation Areas Act) 1990 requires that special attention shall be paid to the desirability of preserving and enhancing the

character and appearance of the CA. Preserving and enhancing can also be taken to mean doing no harm. I note that a large number of properties along Worley Road, and in the vicinity, are identified as locally listed buildings. This designation, as non-designated heritage assets, reflects the positive contribution that such properties make to the heritage value of the overall CA.

7. At the time of my site visit I found that a notable number of properties along Worley Road have both dormer windows and accommodation in the roof space. The variety of such alterations is evident in size, design and position with a number being prominent features within their respective host buildings. In particular, at the time of my site visit, I noted a large dormer window at 22 Upton Avenue (no. 22) which is readily visible when walking down the alley leading between Worley Road and the Gombards car park to the rear. Overall, I find that from my site visit, and the evidence before me, that there can be no dispute that dormer windows are characteristic within the CA and that they are varied in terms of size, design, and position. The principle of a dormer window on a rear elevation of the appeal site is, I find, acceptable.
8. At the time of my site visit I walked down the alley and around to the rear of the property and accessed the appeal site from the car park. The proposal is to the rear of the host dwelling, and it cannot be said that it would have any impact upon the street scene from within Worley Road itself. Similarly, I find that views of the appeal proposal would be limited from the rear as, despite there being a publicly accessible car park to the rear, the garden to the appeal site is long with vegetation and protected trees. This would overall reduce and limit visibility of the appeal proposal from within the public domain and within the CA itself. Despite the proposal being limited in appearance within the CA it still falls to consider the character of the host dwelling itself. It should be kept clearly in mind that appearance is the outward visible qualities whereas character is the sum of all the qualities which distinguish an area.
9. The appellant refers to application reference 5/22/0707 (28 Worley Road) which is stated to have been refused for similar reasons. Extracts from the Inspector's decision letter have been included; however, I have no further information before me such as the plans in question. Despite this I note, in paragraph 7 of the extract of the Inspector's decision letter, that the Inspector commented that (in relation to the rear dormer) that the scheme:

"would be set well back from the edges of the host roof slope with a good expanse of rear roof still visible and ample space around the new addition on all sides, which would result in the proposed rear dormer appearing as a proportionate addition. Taken together with the use of appropriate external materials, as proposed, in that case the design, size, and general appearance of the new rear dormer would be acceptable and would respect the domestic scale and traditional character of the host building".
10. I find that similar comments cannot be applied to the proposal which is before me. The appeal scheme would have some set in from one edge of the host roof slope, some set up from the eaves, but essentially would be similar to the existing ridge height. Overall, I do not find that much of the original roof slope would be visible, or that the dormer would appear as a proportionate addition. The proposal would be a significant built addition to the roof of the host dwelling and, as a result of the design and flat roof structure, this would exacerbate the overall scale and bulk of the structure in relation to the

character, i.e., the intrinsic qualities, of the host dwelling as a locally listed building within the CA. It would consume the rear roof slope.

11. I acknowledge a large, flat roof, dormer as previously stated at no. 22, however, in that case that dormer (whilst of considerable width) it does have notable set down from the overall ridge height of the host dwelling, and set in both sides, which assists in it being a more proportionate addition to the roof space with the original roof being legible. In addition, looking at the arrangement of the properties on the location plan, no. 22 does not form part of a row or grouping of similar properties as the appeal site before me does. In contrast to the appeal site, no. 22 is not a locally listed building and is therefore comparably more limited in terms of contribution to the overall character and appearance of the CA despite its noted visibility.
12. I also note reference to several other decisions in the vicinity within the appellant's statement. 7 Worley Road (5/2021/3255) (no. 7) approved a loft conversion with a rear dormer window on the roof slope. This proposal does carry similarities in bulk, scale and massing to the proposal which is before me. Each case should be considered on its own merits, and I have no further information in front of me surrounding the decision itself. The proposal at no. 7 is stated to have been recommended for refusal by planning officers but approved by committee. I have considered the proposal at the appeal site before me based upon its own merits and consider this to be an isolated example within the context of the appeal site.
13. The appellant's Design and Access Statement outlines a large number of developments nearby within the CA on Ladysmith Road, Kimberley Road, Canon Street, Folly Avenue and Upton Avenue. Consistency in decision making is, of course, key to maintaining confidence in the planning system. In this case, whilst numerous examples are provided as part of this appeal, I do not have the full information as to the specific cases before me such as, for example, a full set of approved plans, the decision notice or delegated report which would enable me to attribute weight to them in the general consideration of and application of the relevant planning policies before me.
14. Again, whilst these examples contribute to the principle of a rear dormer window being acceptable, I do not find that the consideration as to volume alone is sufficient to justify or support the proposals. There is a visual as well as volumetric element to consideration of proposals. Paragraph 203 of the Framework confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets (in this case a locally listed building) a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset. As previously outlined, I find that the proposed dormer would consume the entire rear roof slope leaving very limited parts of the original roof visible or legible which would fail to preserve the character of the host dwelling, as a locally listed building and that the proposal would appear overly dominant on the roof, impacting upon its character.
15. This impact, in turn, would result on less than substantial harm to the character of the CA as a result of impact to the locally listed building which contributes to the quality of the CA. In accordance with the Framework, paragraph 202, where a development proposal would lead to less than

substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use. The proposal is for alterations to a single residential dwelling and the appellant's comments as to need for the proposals are acknowledged. Despite this, the proposal would result in entirely private benefits, and I have no evidence before me to support that the proposal would result in any public benefits to outweigh the great weight which should be given to the less than substantial harm which has been identified.

16. Overall, I acknowledge that dormer windows are characteristic within the CA, that the principle of a dormer is acceptable, and that the appearance of the proposal would be limited in general views with no impact upon the street scene itself along Worley Road. Despite this, in terms of the character of the non-designated heritage asset, the host building itself, I find that the proposal would dominate the roofscape, leaving the original roof illegible, and appear as a disproportionate addition which is sufficient to warrant refusal.
17. The proposal would be contrary to St Albans District Local Plan Review 1994 (LP) Policy 69 which requires that development shall take account of the scale and character of its surroundings, LP Policy 72 which requires compatibility with original buildings particularly in CAs, LP Policy 85 which seeks to ensure extensions normally leave the original building form predominant, and LP Policy 87 which reconfirms that permission would not be granted for alterations or extensions unless LP Policy 85 is complied with.

Other Matters

18. I note commentary as to the timeline for applications at the appeal site, however, handling of an application is beyond the scope of this appeal. I have considered the case upon its own merits.
19. I acknowledge that the appeal site benefits from an existing planning permission which is referred to within both the Council's delegated report and the appellant's design and access statement. This approval is stated to have been secured under reference 5/2021/3098 for a single storey rear and side extension, loft conversion with rear dormer window and front and rear roof lights. The approval of this previous application reconfirms my findings that the principle of a rear dormer window as part of a loft conversion is acceptable, however, the suitability of such proposals does come down to overall scale and massing as discussed against the main issue.
20. Comments are made in relation to compromises which are stated to have left a scheme, in relation to the loft conversion, which is not viable and does not work as a layout. Despite this, I have no copies of the previous planning permission, or approved plans, for the appeal site before me, so can place limited weight upon such comments in the circumstances.

Conclusion

21. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR