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# 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: 26 October 2023**

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**Appeal Ref: APP/B1930/D/23/3327438**

**60 Oster Street, St Albans, Hertfordshire, AL3 5JL**

- 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 N Ryan against the decision of St Albans City & District Council.
  - The application Ref 5/23/0403 dated 23 February 2023, was refused by notice dated 19 May 2023.
  - The development proposed is loft conversion with front rooflights, hip to gable and rear dormer (resubmission following refusal 5/2022/1392).
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. 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.
3. This appeal is accompanied by an application for costs. This is the subject of a separate decision.

## Main Issue

4. The main issue is the impact of the proposal upon the Locally Listed Building and Conservation Area.

## Reasons

5. The appeal site is a locally listed, end of terrace, 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. Designation, as a locally listed building (a non-designated heritage asset) reflects the positive contribution that such properties make to the heritage value of the overall CA.
6. There are several elements to the appeal proposal including a hip to gable conversion, a rear roof slope dormer and the insertion of two rooflights. The Council's delegated report confirms that the hip to gable loft conversion would not be out of character with the area and that whilst it would add bulk to the

dwelling, it is considered acceptable. No concern is raised in relation to the front rooflights. Based upon the evidence before me, and my site visit, I have no reason to conclude differently on this element. The refusal reason is specific in its reference to, and basis being upon, the proposed rear dormer. For the avoidance of doubt this appeal will focus upon the proposed rear dormer in the context of the main issue outlined above.

7. The appellant makes reference to a list of other permissions stated to have been granted for rear dormer roof extensions across Folly Avenue, Cannon Street, Ladysmith Road, Normandy Road and Kimberley Road but no further information as to these decisions (with the exception of 56 Oster Street (no. 56) discussed below) have been provided. It is not, therefore, possible to attribute much weight to these within the determination of the appeal. I have no further evidence before me as to size or design of the rear dormers which were approved in the context of their host dwellings or surroundings to be able to draw any comparisons. Such decisions do suggest that the principle of a dormer window could be acceptable within the CA, but that it would come down to the specific design, bulk and massing of the proposed dormer in the context of the host dwelling and the surrounding area within the CA.
8. I also note, from my site visit and the appellant's submissions, varying roof extensions to the rear of houses fronting Folly Avenue. Despite this I do not find those dwellings to have the same general uniformity, in terms of general height and proportions, as the straight terraced row on Oster Street within which the appeal site stands. In this case the site context includes the roofscape of the wider terraced row which, with the exception of no. 56, is largely uninterrupted. The houses on the other side of Oster Street are of differing design, some with dormers, but each case should be considered on its own merits.
9. At the time of my site visit I also walked down Cannon Street and round to Folly Avenue and found that the proposed rear dormer would not be readily visible within public views. The proposal, however, be highly visible from within private properties to the rear, and side, along Cannon Street and Folly Avenue. Limited public views of the proposal would assist to limit the proposals impact upon the appearance of the wider CA and features noted within the character area assessment would be left generally unaffected by the proposal. Despite this, this does not overcome potentially harmful impact to 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.
10. The dormer would have a flat roof form and would occupy around half of the roof slope, in terms of width, when considering the overall roof slope that would result from the hip to gable extension. Whilst the proposal has been reduced from a previously refused scheme, I find that there would still be very limited set down from the ridge or set up from the eave. The proposed dormer would not leave the original building form predominant as it would cover the majority of the original roof plane. In this case I find that the flat roof design combined with the hip to gable extension would overall appear out of scale, and incongruous, in terms of overall additions to the locally listed building.
11. The proposed window within the dormer, whilst it does take design cues from the existing windows, does not relate well to the location of the windows in the

rear elevation. Taking into account the host dwelling, and the proposed hip to gable extension, the host dwelling (without the dormer) would overall present as symmetric. The width of the dormer is slightly wider than the centre point of the outrigger which overall I find would appear awkward in the context of the host dwelling and disrupt the symmetry. These proportions exacerbate the bulk of the proposed dormer as a result of overall design and relationship with the host dwelling and other elements of the appeal proposal. The proposal would be a bulky and incongruous addition and would further disrupt the roofline at the rear of the terrace which, as previously noted, largely retains its original form as a row. The Framework supports that great weight should be given to conservation of heritage assets and I consider that the proposal before me would result in less than substantial harm to the character of the CA and the host building as a locally listed building.

12. I acknowledge the permission granted at 56 Oster Street (no. 56), however, whilst the appellant has submitted the decision notice and approved plans, there is no copy of the Council's delegated report (or committee report if applicable) which would explain the Council's reasoning for approval of that proposal compared to that which is within the appeal before me. Consistency within decision making is key to maintaining public confidence in the planning system and the permission at no. 56 is a material consideration, however, this does not override all other considerations or harm to the CA. I do not find that the permission noted at no. 56 outweighs the harm that would arise from the proposal before me and indeed I find that the proposal at no. 56 is harmful to the CA as a result of interrupting the roofscape of the largely unaltered terrace row and that its replication in terms of design should be avoided.
13. I note reference to appeals at 14 Liverpool Street, however, I find that the approved proposals at 14 Liverpool Street (for which plans have been provided with the Inspector's decision letter) resulted in a high proportion of the original roof slope being perceptible as a result of the proposals. In that case, whilst there was minimal set down from the ridge, there was notable set up from the eaves and overall, the proposal did not dominate the roof slope but appeared as a proportionate addition sat over, and related to, the proportions of the outrigger below it.
14. Overall, I acknowledge that dormer windows are not uncharacteristic within the wider CA, and that the impact of the proposal upon the appearance of the CA would be limited from within the street scene. Despite this, in terms of the character of the non-designated heritage asset, the host building itself, and the row within which the appeal site stands I find that the proposal would dominate the roofscape and appear as a disproportionate addition which is sufficient to warrant refusal.
15. 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 regarding need for the proposal to create a family home is noted. 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. 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 form predominant, and LP Policy 87 which reconfirms that permission would not be granted for alterations of extensions unless LP Policy 85 is complied with.

### **Other Matters**

17. I note that there are third party comments relating to the proposal, one being in support of the proposal and one objection on the ground of privacy. The Council raise no refusal reason based upon loss of privacy and given the separation distance, and existing relationship between the appeal site and the property to the rear, I find no reason to conclude differently on this matter.

### **Conclusion**

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

*Eleni Randle*

INSPECTOR