



Appeal Decision

Site visit made on 14 May 2024

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th June 2024

Appeal Ref: APP/B1930/D/24/3341356

21 Claygate Avenue. Harpenden, Hertfordshire AL5 2HE

- 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 Alec McPherson against the decision of St Albans City and District Council.
 - The application Ref 5/23/0738, dated 4 May 2023, was refused by notice dated 8 February 2024.
 - The development proposed is the erection of additional timber cladding, installation of air source heat pump.
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Decision

1. The appeal is allowed and planning permission is granted for erection of additional timber cladding, installation of air source heat pump at 21 Claygate Avenue. Harpenden, Hertfordshire AL5 2HE in accordance with the terms of the application, Ref 5/23/0738, dated 4 May 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CAM19/01; CAM19/01 Rev 2; CAM19/15 and CAM19/21 Rev F.
 - 3) The timber cladding materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Within two months of the date of this permission, calculations showing that the air source pump level is 'inaudible' (i.e. 10dBA below the representative background level (LA90 (15minutes))) 1 metre from the nearest noise sensitive windows at 23 Claygate Avenue over the proposed operating hours must be submitted to the Local Planning Authority for approval in writing. These calculations shall include details of the installation of any acoustic enclosure measures within the screening hereby approved that may be necessary to achieve 'inaudibility'. The installation of the acoustic enclosure measures shall be carried out in accordance with the approved details within 1 month of the calculations being approved in writing. The air source heat pump shall thereafter be operated in accordance with the approved calculations.

Procedural Matter

2. The appeal scheme has not been fully implemented and, as such, it is referred to as a proposed development. However, a significant proportion of the timber cladding and the air source heat pump have been erected.

Main Issue

3. It is considered that the main issue is the effects of the proposed development on the living conditions of the occupiers of 23 Claygate Avenue.

Reasons

4. The appeal property is a detached 2-storey dwelling situated within a primarily residential area of similar types of dwellings albeit there are variations in design. Unlike other dwellings, the property has a contemporary appearance because of the external walls being clad in vertical black timber and white render.
5. Planning permission was previously granted by the Council for alterations to enlarge the property and the erection of timber cladding and render as external materials (Ref 5/2020/0820). Subsequent variations to the approved scheme were permitted by the Council (Refs 5/2020/2000 and 5/2020/3100). The proposed development, subject of this appeal, includes the erection of additional timber cladding on the side and rear elevations and the installation of an air source heat pump, with the timber clad screen, on top of the single storey side addition's flat roof.
6. The appellant claims that the additional cladding could be erected as permitted development for a dwelling house and similar rights would exist for an air source heat pump erected in a different location. However, in the absence of any Lawful Development Certificates, or similar documentation, this appeal has been determined based upon the proposed development assessed by the Council. In adopting this approach it is noted that the Planning Officer commented in the report to Members that the cladding is seemingly not dissimilar to something which may not require planning permission and may otherwise be installed as permitted development.
7. From what was observed during the site visit, the appeal scheme would result in additional timber cladding being erected on the property's side elevation facing towards 23 Claygate Avenue. This cladding would be visible from a first floor bedroom window within the flank wall of No. 23 and this neighbouring property's rear garden. This opening is a secondary bedroom window with the main outlook being the front window facing towards the road.
8. Although noticeable because of its colour, when viewed from the side window and the garden the appearance of the cladding would not result in the property being an oppressive or overbearing form of development. The outlook from within the garden is primarily towards the rear amenity spaces of No. 23 and its neighbouring dwellings rather than the side elevation of the appeal property.
9. Further, there is a separation distance of circa 4 metres from the secondary bedroom window towards the side elevation of the property. There is also a partial outlook across the roof of the single storey front extension rather than just solely of what would be a 2-storey black timber clad flank wall. Overall,

from the garden and side window the proposed cladding would only form part of the wider outlook for the occupiers of No. 23 rather than its siting and appearance resulting in an unacceptably visually dominating form of development.

10. The air source heat pump would be screened by cladding but its siting would still be viewed from the side bedroom window, nearest rear facing bedroom window and the garden of No. 23. However, a fully screened heat pump would be seen against the context of the property's flank wall and would not result in its siting and appearance being an overbearing or visually dominant form of development.
11. Reference is made by local residents to the noise associated with the operation of heat pumps. The Council has not raised a specific concern related to noise. However, a condition concerning limiting external noise was proposed by the Environmental Health Officer and this is now suggested as a condition if this appeal succeeds. On the basis of the screening of the heat pump and the imposition of the suggested condition, no unacceptable noise levels should be experienced by the occupiers of No. 23.
12. For the reasons given and subject to the noise condition suggested, it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 23 Claygate Avenue and, as such, it would not conflict with either Policy 72 of the St Albans District Local Plan Review or paragraph 135 of the National Planning Policy Framework (the Framework). Amongst other matters, extensions in residential areas should not unacceptably harm the amenity of an adjoining property and ensure a high standard of amenity for existing users.

Other Matters

13. Several other matters have been raised by local residents, including the impact of the cladding on the character and appearance of the surrounding area, the ability to complete the approved scheme and the appeal application being retrospective coupled with the lack of enforcement action by the Council. These matters were substantially addressed in the Planning Officer's report and there are no reasons to disagree with the assessments which were reached and, as such, they do not outweigh the conclusion reached on the Main Issue.

Conditions

14. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance. For reasons of clarity, a condition is necessary to secure the erection of the appeal scheme in accordance with the approved drawings. To assist with the assimilation of the appeal scheme into the surrounding area, a condition for the timber cladding to match those of the property is necessary. As already identified, a condition is necessary to control the external noise levels of the air source heat pump.
15. For the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR