



Appeal Decision

Site visit made on 29 October 2024

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 November 2024

Appeal Ref: APP/B1930/Z/24/3350658

10 Kimberley Road, St Albans, Hertfordshire, AL3 5PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Caddy against the decision of St Albans City and District Council.
 - The application Ref is 5/24/1021.
 - The development proposed is described as 'loft conversion to match 5/2015/1750/HSE on 2,4,6 following appeal advice'.
-

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is whether the proposed development would preserve or enhance the character and appearance of the St Albans Conservation Area (CA) and its effect on the character and appearance of the locally listed dwelling. Paragraph 199 of the National Planning Policy Framework (2023) (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. I have also had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) as amended. Paragraph 209 of the NPPF requires a balanced judgement which takes account of the scale of any harm to a non-designated heritage asset.
3. The significance of this part of the CA derives from its development as an area of typical Edwardian, modest family housing of mainly two storeys. Whilst there is some variety between the different groups of houses in the area, there is a good level of architectural cohesion and a very defined character, particularly in the street frontages. However, the hilly nature of the area means that some of the rear roofscapes are also clearly seen in views within the CA and those also contribute to its character.
4. The appeal dwelling is detached and, like many of the dwellings in the area, retains much of its original character in its front elevation and is a locally-listed building. There is a small flat roofed, single storey extension on the side elevation and across the rear elevation a gable roofed single storey extension which has a contemporary style. At first floor on that elevation are two sash style windows. The rear part of the roof contains two separate small dormers with hipped roofs which appear very much as subsidiary elements. Whilst the rear elevation contains a mix of traditional and contemporary elements, it has

a well-balanced appearance with some degree of symmetry in the positioning of windows. The proposal would include the replacement of the existing small roof dormers with a single, flat roofed box dormer. Although it would be some 20% smaller in width (3.9m rather than 4.9m) than that proposed in a previous scheme which was dismissed on appeal in April 2024 (APP/B1930/D/24/3338994), has smaller windows and does not include a Juliet balcony, it would nevertheless still occupy most of the rear part of the roof and at some 2m in height would remain a large element, appearing overly dominant on the rear elevation. Furthermore, the position, proportions and style of the proposed windows, a wide three-paned window and a narrower single window, would not relate well to the first floor windows and would have an unbalancing effect on the rear elevation. This would harm the character of the dwelling.

5. The dwelling occupies a prominent position within the street due to its location opposite the junction with Ladysmith Road. As the side elevation of the proposal would not only be seen across a gap between the appeal dwelling and its neighbour at no 12 from outside the site on Kimberley Road but also from the approach along Ladysmith Road opposite, I disagree with the appellant's assertion that the view would be fleeting. Although it would be less prominent than in the previous scheme, it would still be seen clearly and due to its siting and height, would remain disproportionately bulky and at odds with the Edwardian character of that street scene. In the view from Goldsmith Way, it would not only be seen from across a car park but also in the approach down that street and from many of the dwellings on the street, albeit at a greater distance. I have noted the appellant's contention that it is the cumulative character of the street scene that contributes to the significance of the CA but the individual elements within that can also detract from the cumulative character and that would be the case here.
6. I have noted that there are many other flat roofed dormer windows within the area. I am not aware of the planning history of all of those and not all are seen from the street. Those in Kimberley Road that have permission as detailed in the planning officer's report are on terraced or semi-detached properties that are very closely spaced with their neighbours so that side elevations are not seen. That is not the case here. Not all of those that are seen make a positive contribution to the character and appearance of the CA either and some detract from it significantly. I have noted that the previous Inspector found that there were significant differences between the dormers at nos 2,4 and 6 Kimberley Road and the previous scheme. Despite the reduced scale of the scheme here, those dormers sit at a much lower height in the rear roofscape of Kimberley Road and are sited on a terrace that has a shallower roof pitch and less impact than would be the case here. I find, therefore, that the other examples do not provide justification for the harm that would be caused by this scheme which I have determined on its merits.
7. Whilst the harm in this case would be less than substantial, it carries considerable weight and the Framework requires that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. Where the harm is less than substantial, it should be weighed against the public benefits of the proposal. I understand that the proposal is required to meet the changing needs of the appellant's family. However, there are no public benefits in this case that would be sufficient to outweigh the harm that would be caused.

8. I conclude then that, by reason of its siting, size, scale and design, the proposed development would fail to preserve or enhance the character and appearance of the St Albans CA. It would be contrary to development plan policies 69, 85 and 87 of the City and District of St Albans District Local Plan Review (1994) which seek to ensure that proposals are of a high standard of design that preserves or enhances the character of CA's and locally listed buildings. It would also fail to accord with the Framework which similar objectives and in addition, also requires that proposals add to the overall quality of the area.

Conclusion

9. For the reasons given above, I conclude that the proposal would be contrary to the development plan and there are no material considerations that would outweigh that. The appeal should be dismissed.

Sarah Colebourne

Inspector