



Appeal Decision

Site visit made on 26 November 2024

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Appeal Ref: APP/B1930/W/24/3345572

29 Craiglands, St Albans, Herts AL4 9AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Abigail Hastings against St Albans City & District Council.
 - The application Ref is 5/2023/2193.
 - The development proposed is a loft conversion consisting of rear dormer and three front velux windows. Front extension with two velux windows.
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion consisting of rear dormer and two front roof light windows, front extension with two roof light windows at 29 Craiglands, St Albans AL4 9AH in accordance with the terms of the application, Ref 5/2023/2193, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plan CRAIG-001 rev E.
 - 3) The external surfaces of the development hereby permitted shall be constructed only of materials, the type and colour of which match those of the existing building.

Preliminary Matters

2. In allowing the appeal I have amended the description of development to remove reference to 'velux windows' as this is a trade name and does not accurately reflect the form of the development. I have also amended the number of roof lights to be inserted in the existing roof slope from three to two to reflect amended plans.
3. I am satisfied that these amendments can be made without prejudice to either party, having regard to the Wheatcroft principle, as there is no substantial difference or a fundamental change to the application.
4. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. As the changes do not materially affect the main issues in this case, the parties have not been invited to comment further.

Background and Main Issue

5. The appeal is made against the failure of St Albans City & District Council to give notice of its decision within the prescribed period. However, the Council has indicated that were it to have determined the application, the application would have been refused. Its reason for refusal would, in summary, have been due to the rear dormer window comprising a bulky addition to the dwelling which would be detrimental to the character and appearance of the host dwelling.
6. The main issue is, therefore, the effect of the proposed dormer window on the character and appearance of the existing dwelling.

Reasons

7. The appeal site comprises a circa 1980s mid-terrace house that forms part of the Jersey Farm Estate. This comprises a mix of detached, semi-detached and terraced houses – many of which have been altered in varying fashions since their original construction.
8. The proposal comprises a single storey front extension, to which no objections have been expressed by the Council, and a box dormer window to be inserted into the rear roof slope. The dormer would be flush with the rear wall of the existing dwelling, extend to the full width of the roof slope and be in line with the current roof ridge. It would almost completely remove all parts of the rear roof slope and as a result could not be said to enhance the character and appearance of the property. Whilst views of the dormer window would be somewhat restricted due to the arrangement of surrounding buildings, it would nevertheless, be visible from some aspects including the footpath to the rear of the site.
9. I am mindful that roof extensions have been formed in numerous other properties in the area. The appellants' evidence indicates that some of these were constructed with deemed planning permission, commonly known as 'permitted development' whilst others had the benefit of express permission from the Council.
10. I note that the photographic evidence supplied by the appellant appears to strongly indicate that dormer windows constructed under permitted development rights, can be quite large and dominate the rear of many properties. Those built with express permission from the Council do appear to have some modest set-in from either side and from the ridge to somewhat ameliorate their effect on the rear roof slopes of houses. In either circumstance however, in my judgement, the effect is largely the same.
11. It appears to me, based on the visual evidence and planning histories of neighbouring properties, that there has been a recent evolution in this area and a trend for such dormer windows to be formed in the rear roof slopes of homes. Whilst this may not be a welcome change in terms of its visual effects, it is nevertheless one that is occurring. Even if some or all of them have come about through permitted development rights, such dormers in this immediate area are now established features to the extent that, the introduction of another large rear dormer would not be out of character with this locality.
12. I have also had regard to the appellants evidence which indicates the impracticality of creating a top floor bedroom within a dormer window that is

comparable to the one proposed next door. The internal arrangement would constrain a very modest double bedroom to the extent that it would not allow small bedside tables in a sensible position.

13. On this basis, there would be some harm to the character and appearance of the dwelling. However, the proposed dormer would allow for a modest extension to an existing small home. In this context, I am unable to find that there would be significant harm caused through the creation of this dormer window. The fairly limited views from the rear would be the only tell-tale sign that the dormer would not be set-in from the sides or down from the roof.
14. I therefore conclude that whilst the proposal would be harmful to the character and appearance of this property, this would be off-set by its benefits to the occupants in this particular context. The proposal therefore complies with policies 69 and 72 of the St Albans City and District Plan 1994, policies D4 and D6 of the Sandridge Neighbourhood Plan and provisions of the National Planning Policy Framework.

Other Matters

15. Both parties have provided commentary on whether the proposal could be constructed as permitted development and much of this hinges on the interpretation of condition 2 of the original planning permission for this estate¹. This condition removed permitted development rights under the then Town and Country Planning General Development Order 1977. However, it is not my role in the context of this S78 appeal to pass judgement on this matter. In any case, I note that no certificate of lawfulness has been submitted, or granted, to demonstrate that the proposal could be lawfully constructed with deemed permission. In the absence of this evidence, I am unable to regard this as a legitimate fallback position. Nevertheless, as the appeal is to be allowed on its planning merits, this matter does not require further exploration.

Conditions

16. I have imposed the conditions recommended by the Council with some minor edits and modifications. Condition 1 is a time limit condition to comply with the provisions of the Act. Condition 2 refers to the approved plans and I have adjusted this condition to reflect the most up-to-date version of the proposed plans. Condition 3 is to ensure matching materials in the interests of the character and appearance of the existing dwelling and surrounding area.

Conclusion

17. The proposed development would comply with the provisions of the development plan and the material considerations do not indicate a decision other than in accordance with it. Therefore, for the reasons given above the appeal should be allowed.

N Bowden

INSPECTOR

¹ Council reference: 5/1980/0307