



Appeal Decision

Site visit made on 24 April 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/B1930/W/24/3357701

1 Bentsley Close, St Albans, Hertfordshire AL4 9PN

- 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 J Hislop against the decision of St Albans City and District Council.
 - The application Ref is 5/2024/1587.
 - The development proposed is demolition of the existing dwelling with 1 no replacement dwelling, including associated landscaping and a swimming pool.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing dwelling with 1 no replacement dwelling, including associated landscaping and a swimming pool at 1 Bentsley Close, St Albans, Hertfordshire AL4 9PN in accordance with the terms of the application, Ref 5/2024/1587, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 320, 321 and 322.
 - 3) The windows to be created in the first floor side elevation facing towards 2 Bentsley Close shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres taken from internal finished floor level.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on the first floor side elevation facing towards 2 Bentsley Close.
 - 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for measures to control the emission of dust and dirt during construction and delivery, demolition and construction working hours. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Preliminary Matters

2. The planning application was submitted by Mr and Mrs Hislop. The appeal has been submitted in the name of Mr J Hislop only and proceeds on that basis.

3. Concerns about the manner in which the Council managed the progress of the application are outwith the remit of this appeal.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring occupiers with regard to sunlight and daylight.

Reasons

Character and Appearance

5. Bentsley Close is a small cul-de-sac, with dwellings facing onto the street along the top and sides of the hammerhead. The dwellings have a consistent two storey, pitched roof form to the street, albeit with some differences in materials. The dwellings are set higher than the road, and also on an incline from the south-west to the north-east. Some of the properties also feature single storey side extensions, often forming garages. At my site visit, I also noted that the neighbouring property had a substantial, two storey rear extension with a hipped roof. The appeal site also has a pitched roof, single storey side extension which, although screened by planting and located away from the road, remains just visible in the street.
6. The proposed dwelling would represent a marked change from this. A hipped roof is proposed, with a centrally sited front door with canopy and two pitched roof side extensions. The windows, particularly those on the upper floors would be of different proportions to those on the existing dwelling and a panelling detail is proposed on the front elevation. To the rear, the proposed dwelling would be starkly modern, with gabled rear extensions with large expanses of glazing. Overall, the proposal would give rise to a dwelling of a substantially greater scale than that at present.
7. There is an overall uniformity to the street given the generally consistent scale of the dwellings. However, it is a small cul-de-sac, with the dwellings positioned a relatively long way back from the junction with Sherwood Avenue. Sherwood Avenue itself contains a range of dwelling types, scales and forms. The area is not subject to any special controls or designations. The proposal would be of a different appearance to the existing dwellings. However, it would be of a type and form commonly found in residential areas. While the substantial scale of the rear projections to the proposed dwelling would be visible in views of the side elevation, this is true of the substantial extension to the neighbouring property. The site does not occupy a prominent position and views would be very localised in nature given the layout of the area and the position of the dwelling.
8. It is proposed to lower the floor level of the dwelling. Despite this, the apex of the proposed dwelling would still be higher than that of the neighbouring properties. However, given the varying ground levels readily apparent along Bentsley Close and the position of the dwelling to the corner of the road, these variations could be incorporated into the street scene without causing undue harm.

9. The appeal site is wide, with a long rear garden. The proposed single storey side extensions would be of a clearly smaller scale than the main body of the dwelling. The plot is capable of accommodating the proposed dwelling and swimming pool without the dwelling appearing disproportionately large.
10. The proposed development would have an acceptable effect on the character and appearance of the area. It would therefore be in accordance with St Albans District Local Plan Review (1994) (LP) Policies 69 and 70 and Sandridge Neighbourhood Plan (made 2021) (SNP) Policy D4 which require development to take into account the context and character of its surroundings.

Living Conditions

11. 1A Bentsley Close sits to the south-east of the appeal site. Its rear garden lies beyond the boundary with the appeal site and has a small side extension adjacent. This is set well back from the front elevation of the host property and contains a window. The main ground floor window is also in proximity to this boundary. The land rises from No.1A towards the appeal site. There is a tall, close boarded fence with espaliered trees growing above this.
12. The proposal would introduce a substantial single storey element to this boundary. However, the window in the single storey projection is enclosed at present by its host property and the fencing serving the appeal site. It faces north-east and so would be unlikely to receive any notable levels of sunlight. The additional works would not materially reduce the levels of daylight reaching this window given the extent to which it is enclosed at present.
13. The main window in the front elevation would be sited at some distance from the single storey elements of the proposal, and would not be materially enclosed by the proposed dwelling which would occupy a similar position to the existing front elevation.
14. The appeal has been accompanied by a Sunlight and Daylight Assessment which demonstrates the proposed development would not have an adverse effect on levels of sunlight and daylight to the adjacent residential property at 1A Bentsley Close. I have no reason to dispute its findings. While this guidance has been retitled and updated, this is inevitable with the passage of time since the LP was adopted. The Council has not sought to distance its policy approach from the updated report.
15. The proposal would therefore have an acceptable effect on the living conditions of neighbouring occupiers with respect to sunlight and daylight. The proposal would therefore be in accordance with LP Policy 70 which requires development to have regard to the living conditions of neighbouring occupiers and to comply with the sunlight and daylight requirements as set out in the Building Research Establishment Report.

Other Matters

16. There is no substantive evidence before me that the proposal would result in the commercial use of the facilities proposed as part of the dwelling. Were that to be the case, the Council could address such matters using powers available to them.
17. The layout plans show that four cars could be accommodated on the land to the front of the proposed dwelling. This would be sufficient to meet the needs of the

proposed dwelling as set out in SNP Policy D4. While this may involve some manoeuvring of vehicles as all spaces cannot be independently occupied, this is not unusual for residential properties. There is no objection from the local highways authority and I have no reason to think the normal domestic use of the property would give rise to an adverse effect on highway safety.

Conditions

18. The Council has suggested several conditions should the appeal be allowed. I have had regard to these in light of the advice contained within paragraph 57 of the Framework and the Planning Practice Guidance. I have amended conditions where necessary in the interests of precision. I have imposed standard conditions relating to the commencement of development and approved plans to define the terms of the permission. As materials are shown on the approved plans, it is not necessary for there to be a further condition.
19. Given the position of the window on the side elevation of No.2, it is reasonable and necessary to require the proposed first floor windows to be obscure glazed and non-opening below 1.7m in the interests of privacy. As it is necessary to impose this control, it is also necessary to prevent the installation of further windows in this elevation.
20. Interested parties have suggested further conditions be imposed. Given the scale of the proposed works and their proximity to neighbouring properties, I consider it reasonable and necessary to require a construction environmental management plan in this instance and for it to be a pre-commencement condition.
21. The proposal largely involves development on land occupied by existing structures and neighbouring trees would generally be a distance from the proposed works. A tree protection condition would therefore not be necessary.

Conclusion

22. For the reasons given above, the appeal is allowed.

Jennifer Wallace

INSPECTOR