



Appeal Decision

Site visit made on 20 May 2025

by **J Davis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 June 2025

Appeal Ref: APP/B1930/D/25/3362168

3 Halifax Close, Bricket Wood, Hertfordshire, AL2 3RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Patel against the decision of St Albans City & District Council.
 - The application Ref is 5/24/1650.
 - The application sought planning permission for conversion of garage roof space to provide additional first floor accommodation with front dormer window and rear rooflight, insertion of rooflights to front and rear of main roof without complying with a condition attached to planning permission Ref 5/22/0963, dated 14 July 2022.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 3HC-P-00-DR-001, 3HC-P-00-DR-201 Revision A, 3HC-P-00-DR-102 Revision B, 3HC-P-00-DR-103 Revision B, 3HC-P-00-DR-203 Revision B and 3HC-P-00-DR-202 Revision B.*
 - The reason given for the condition is: *For the avoidance of doubt and in the interests of proper planning.*
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Decision

1. The appeal is dismissed.

Background and Procedural Matters

2. Planning permission was granted in July 2022 for (amongst other things) the conversion of the garage roof space to provide additional first floor accommodation with a front dormer window and rear rooflight. The appeal proposal seeks to vary condition 2 of the planning permission to reference revised plans reflecting various changes, including the removal of the pitched roof and its replacement with a first-floor flat roofed extension.
3. The development has been carried out. The Council has highlighted minor discrepancies between the submitted drawings and the extension that has been constructed. Where relevant, I have determined the appeal on the basis of the submitted drawings, which is consistent with the approach taken by the local planning authority.

Main Issue

4. The main issue is the effect of varying condition 2 on the character and appearance of the existing dwelling and the surrounding area.

Reasons

5. The appeal property is a two storey dwelling, with a prominent front gable and pitched roof form, with small dormers within the front roof slope. It is one of several houses of a similar design and appearance along the private road, Halifax Close. The extension that has been constructed is a first floor, flat roof extension above the existing double garage.
6. The approved scheme¹ was for the conversion of the pitched roof above the existing double garage, involving various alterations including a dormer window set within the forward-facing roof slope. Accordingly, under this scheme, the majority of the first floor accommodation was shown to be accommodated within the roof space of the garage thereby minimising the overall scale, bulk and mass of the development.
7. I acknowledge that the first-floor flat roof extension is lower overall than the pitched roof associated with the original garage and the approved scheme. However, owing to its width, depth and flat roof form at first floor level, the extension appears as a bulky, incongruous extension that is visually incompatible and poorly integrated with the host dwelling and is distinctly at odds with its pitched roof form and traditional character and appearance. Accordingly, the extension fails to complement the architectural style of the existing house and those in the immediate area which are of a similar design and appearance.
8. Whilst the extension is not seen from adjoining roads, such as Bucknalls Drive and Mount Pleasant Lane, the extension is nonetheless visible from various points in Halifax Close where its failure to respect local context and the character and vernacular of existing dwellings has resulted in harm to the character and appearance of the surrounding street scene.
9. Other development in the wider area has been highlighted by the appellant but there are no examples that are the same as the appeal scheme. I note the examples of recently constructed dwellings in the area that are of a contemporary design and appearance, some of which incorporate flat roofs at first floor level. However, the flats roofs are an integral part of the design of the houses and are not comparable to the extension before me which is a first floor flat roof addition to a pitched roof dwelling.
10. I also place little weight on the examples of ground floor flat roof development as these are not directly comparable to the appeal proposal. There are examples of dormer windows in the wider area although most of the examples provided are set within the roof slope of the dwellings and therefore have few similarities with the appeal scheme. I agree that the flat roof rear dormer in 'Image 1' is not set within the roof slope and is a bulky addition to the dwelling. However, I have no information before me as to the location of the dwelling, its immediate context and indeed whether the extension benefits from planning permission.
11. I acknowledge that St Stephen Parish Council did not raise an objection to the development however this is not a determinative factor as I am required to determine the appeal proposal on its own merits. I also have no substantive evidence before me to suggest that the Council failed to determine the application objectively.

¹ LPA ref. 5/2022/00963

12. Accordingly, having regard to all of the above considerations, I conclude that the variation of condition 2 of planning permission 5/22/0963 would have a harmful effect on the character and appearance of the host dwelling and the surrounding area. It would be contrary to saved policies 69 and 72 of the St Albans District Plan Review 1994 and Policies S1, S3 and S5 of the St Stephen Parish Neighbourhood Plan which together require that all development shall incorporate a high standard of design that makes a positive contribution to local character and that extensions shall be compatible with the existing building and relate to the domestic scale, character and appearance of the street. It would also conflict with the high-quality design objectives of the National Planning Policy Framework 2024.

Other Matters

13. I acknowledge the appellants willingness to amend the scheme however this is a matter that would need to be pursued with the Council as such negotiations are outside the remit of this appeal.

Conclusion

14. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

J Davis,

INSPECTOR