



Appeal Decision

Site visit made on 30 September 2025

By G Powys Jones FRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2025

Appeal Ref: APP/B1930/D/25/3368732
2 Slimmons Drive, St Albans, AL4 9AS

- 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 & Mrs G Bell against the decision of St Albans City Council.
 - The application Ref is 5/2024/1514.
 - The development proposed is the demolition of existing roof and replacement with flat roof, construction of basement level, erection of front extension creating service riser and alterations to fenestration and external materials.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing roof and replacement with flat roof, construction of basement level, erection of front extension creating service riser and alterations to fenestration and external materials at 2 Slimmons Drive, St Albans, AL4 9AS in accordance with the terms of the application, Ref 5/2024/1514, subject to the conditions set out in the accompanying Schedule.

Preliminary and procedural matters

2. The development involves a modified resubmission of a previous proposal following a refusal of permission. In the interests of clarity and conciseness the description of the proposed development is taken from the Council's decision notice rather than the original application form.
3. In addressing the second reason for refusal the appellant submitted revised plans showing the manner in which the Council's objection regarding privacy issues could possibly be overcome. As this is a householder appeal neither the Council nor local residents are normally given the opportunity to comment on the appellant's amended plans. However, I consider the amendments proposed to be minor which have not significantly altered the development, and having regard to the principles established in the *Wheatcroft*¹ case, I shall accept the amendments for consideration.

Main Issues

4. The main issues are the effect of the development on: (a) the character and appearance of the site's surroundings, and (b) the living conditions of the residents of 45 Runcie Close with particular reference to privacy.

¹ Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37].

Reasons

Character and appearance

5. The appeal property is a detached dwelling set within a predominantly residential area. The house was designed and built to take account of the plot's varying ground levels and this is evident in its outward appearance. In parts the dwelling takes a bungalow form, and in others it is two-storey. It is a brick-built dwelling with a traditional ridged roof, as are most that I saw in the site's vicinity.
6. The proposals would transform the external appearance of the house. Whilst the overall height would not be increased, the outcome would be a flat roofed, angular structure, with new openings and glazing contributing and combining to create a dwelling of a distinctly and unashamedly contemporary appearance.
7. The Council's concerns centre on the fact that this is a corner site which it regards as prominent. The proposed remodelled dwelling, in view of its increased bulk at roof level and its design would, in the Council's view, prove to be out of character with that of surrounding development, appearing incongruous and creating visual harm.
8. The property is sited a short distance to the west of Slimmons Drive's junction with The Ridgeway, being separated from it by the depth of No 2 The Ridgeway's plot. A mature tree and hedging in No 2's rear garden effectively screens the appeal property from view when approaching from the junction. Beyond, further west, the appeal property is separated from Slimmons Drive's junction with Runcie Close by a generously sized area of green sward, backed by trees and hedging. Such is the level of planting and vegetation separating the appeal property from the street that I do not share the Council's view that this is a prominent site. On the contrary the site, and the dwelling that stands upon it, are so well screened by vegetation that the dwelling is not seen other than partially in glimpses from the street.
9. The Council is however correct that the remodelled dwelling's appearance would contrast sharply with that of other development seen locally. However, that does not necessarily mean that harm would occur. Design is a subjective matter, and some would regard a modern addition to the street as a welcome change from the designs normally associated with suburban estate development. Be that as it may, the resultant form of development, would not in my view prove incongruous as suggested by the Council. On the contrary, I regard the scheme as imaginative and well designed, with contrasting external materials, which would sit acceptably and unobtrusively in a well landscaped environment. I am further persuaded to this view by the evidence submitted by the appellant of broadly similar development to that proposed being granted permission by the Council in not dissimilar visual and environmental circumstances.
10. I therefore conclude that the proposal would sit acceptably in its visual and spatial context without harming the character and appearance of its surroundings. Accordingly, I find no material conflict with those provisions of policies 69 & 72 of the St Albans District Local Plan Review (LPR) or policy D4 of the Sandridge Neighbourhood Plan providing that development should have an adequately high standard of design relating to the scale, character and appearance of the street, and whose scale and height is in keeping with existing and adjacent buildings.

Living conditions

11. I share the Council's view that the proposed windows serving a bedroom and facing 45 Runcie Close would harm that dwelling's residents by reason of unacceptable overlooking causing loss of privacy. However, the appellant has belatedly recognised this to be the case and has thus proposed minor changes to fenestration. The revision I prefer, having regard to site conditions, is the removal of the offending windows, and the insertion of a new window in elevation D of the revised plan. The outlook from this window would thus be onto the appellant's own land, not causing offence to others. This change is capable of being dealt with by condition.
12. I therefore conclude that whilst the living conditions of the appeal property's immediate neighbours at 45 Runcie Close would be harmed by the initial design, were it built, the potential loss of privacy would be remedied by the adoption of a minor design revision, satisfying the requirements of LPR policy 72 in respect of the effects on the amenities enjoyed by neighbouring property.

Conditions

13. It is necessary that the development is carried out in accordance with the approved plans, and a condition to this effect is therefore imposed in the interests of certainty.
14. The Council has suggested a condition in respect of materials by requiring the submission of samples. I consider this requirement to be unnecessary since sufficient information on materials is provided in the appellant's Design and Access Statement.
15. I consider additional conditions to those suggested by the Council to be necessary. The first to be directed to the removal of permitted development rights in respect of making new openings so as to protect neighbouring privacy.
16. Secondly, a condition is imposed to protect the oak, which is subject of a Tree Preservation Order, and other trees, plants and hedges on the property's peripheries. This is imposed to protect local visual amenities.

Other matters

17. All other matters raised in the representations have been considered, including the references to the *National Planning Policy Framework*. The Framework advises that planning decisions should ensure that development should create places with a high standard of amenity for existing and future users. That objective would be achieved in this case with the adoption of a minor change to the submitted plans.
18. I have considered all the representations made by local residents, and I share the Council's view, for the same reasons, that no unacceptable overshadowing or loss of light would occur to neighbours. No other matter raised is of such strength or significance as to outweigh the considerations leading to my conclusions.

G Powys Jones

INSPECTOR

SCHEDULE OF 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: Drawing Ref Nos: 23018.00.001 Rev A; 002 Rev A; 050 Rev A; 051 Rev A; 052 Rev A; 100 Rev A; 101 Rev A (excluding windows in master bedroom), and the unreferenced plan dated 27 June 2025 submitted as part of the appeal showing revised elevation D and proposed floor plan.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted) Development Order 1995, or any order revoking and re-enacting that Order, no openings other than those shown on the approved plans shall be formed.
- 4) Prior to the commencement of development a scheme for the protection of trees, plants and hedges growing on or close to the site's boundaries during the construction period shall be submitted for the local planning authority's approval, to be obtained in writing. Works shall proceed in accordance with the approved scheme, and any trees, plants or hedges damaged or removed during the construction period shall be replaced with others of a type as previously agreed with the local planning authority.