
Appeal Decision

Site visit made on 17 March 2026

by **E Catcheside BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 March 2026

Appeal Ref: APP/B1930/W/25/3371896

62 Castle Road, St Albans, Hertfordshire AL1 5DG

- 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 A Robbins against the decision of St Albans City & District Council.
 - The application Ref is 5/25/0493.
 - The development proposed is demolition of existing dwelling and erection of two three storey dwellings, new driveways, landscaping and associated works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council submitted the emerging Local Plan for examination in November 2024. It is therefore at an advanced stage of preparation, but it has not yet been adopted and may be subject to change. I have not been directed to any emerging development plan policies that would fundamentally alter the approach taken to the main issue in this appeal and, therefore, I have assessed the scheme against the adopted development plan.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupants of 60 Castle Road, in terms of daylight.

Reasons

4. The appeal property is a two-storey dwelling that forms part of the frontage development on Castle Road. Whilst the building lies close to the neighbouring property at 64 Castle Road, it is more widely separated from 60 Castle Road by the side passage to the garden on the appeal property and the side driveway and garage to No 60. The hipped roof of the appeal building slopes downwards towards the neighbouring properties as well as to the front and the rear. Thus, there is a gradual tapering in height away from its central peak.
5. The first-floor side window on No 60 is the sole window serving a bedroom (the middle bedroom). At the time of my afternoon site visit, the window was in shade and, due to its orientation, it is unlikely to receive good levels of direct sunlight. However, there is a good opportunity for daylight to penetrate the middle bedroom due to the wide space between the window and No 62 and the sloping roof of the appeal property which, together, allow for wide views of the sky from the window.

6. The evidence shows that the other windows serving the first floor of No 60 are located on the front and rear elevations. Given the layout of the internal space and the siting of the walls and doors, these other windows are unlikely to provide a reliable secondary source of daylight or sunlight to the middle bedroom.
7. At 2 storeys high with roof accommodation, the proposed dwellings would be taller than the existing house and, unlike the current scenario, the roof would not slope downwards towards No 60. Instead, the full height of the side-facing gable would present towards the middle bedroom window. The new buildings would also be deeper and wider than the existing property and, whilst some side space would be retained, the buildings would extend much closer to No 60 than is presently the case. By virtue of the combined effect of their height, width, depth, and overall massing, the proposed dwellings would significantly reduce the proportion of uninterrupted sky that would be viewable from the middle bedroom window. Thus, there would be a significant reduction in the potential for daylight penetration.
8. A Daylight and Sunlight Assessment (DAS) has been provided, which calculates the change in daylight to the middle bedroom using the tests recommended by the British Research Establishment (BRE)¹. The DAS finds that the affected room would retain more than 80% of its No Sky Line (NSL) area, which indicates that daylight would be spread throughout the room. However, there would nonetheless be a substantial reduction in the amount and intensity of daylight at the window, with the Vertical Sky Component (VSC) dropping well below the BRE benchmark referred to in the DAS and significantly less than 0.8 times the existing value. A reduction in daylight of this magnitude is likely to be perceived by the occupants of the affected room as a significant deterioration in daylight availability, notwithstanding the NSL test result. This, in turn, would cause the room to be dim and gloomy, and the internal environment would feel unpleasant due to the loss of daylight. The adverse effects would be particularly acute here, due to the orientation of the window and the limited potential for direct sunlight.
9. The BRE guidelines are intended to be interpreted flexibly and there may be circumstances, including in high urban grain environments, where they could be difficult to achieve. However, I am not convinced that buildings of the height, width, depth, and overall massing proposed are the only way in which two dwellings could be delivered on this site and, therefore, daylight loss of this magnitude is not clearly justified. Moreover, the National Planning Policy Framework (the Framework) makes it clear that a flexible approach to applying policies or guidance relating to daylight and sunlight should only be applied where the resulting scheme would provide acceptable living standards. Due to the scale of the reduction in the VSC, this would not be the case here.
10. It is put to me that the daylight level should be deemed acceptable given that the room is a bedroom that would primarily be used for sleeping and, moreover, that it is not the principal bedroom. However, the room is of a sufficient size that it could feasibly be used flexibly by current and future occupiers, including for homeworking and leisure during the daytime, where there would be a reasonable expectation of comfort without undue reliance on artificial illumination. Furthermore, there is no substantive evidence to support the assertion that side windows are less important than other windows in achieving acceptable living

¹ Site Layout for Daylight and Sunlight – A guide to good practice (2022)

conditions, particularly where the side window provides the principal source of daylight to the internal space.

11. No harm has been identified by the Council in respect of the outlook from the middle bedroom and enclosure. However, the loss of daylight would lead to a significant deterioration of the internal environment within the middle bedroom such that there would be harm overall to the living conditions of the occupants of the property. It follows that the proposal would conflict with Policy 70 of the City and District of St Albans District Local Plan Review 1994 (Adopted 30 November 1994 Written Statement), which expects daylight requirements to normally achieve BRE standards. There would also be conflict with the Framework, insofar as it expects developments to achieve a high standard of amenity for existing users.

Planning Balance

12. The conflict with Policy 70 of the LP brings the proposal into conflict with the development plan when read as a whole. Development that conflicts with the development plan should normally be refused unless material considerations indicate otherwise. However, the Council concedes that it is unable to demonstrate a five-year supply of deliverable housing sites as is required by the Framework. Therefore, paragraph 11 d) of the Framework is engaged.
13. The site does not lie within an area or asset that would trigger paragraph 11 d) i. of the Framework. Therefore, the proposal falls to be considered under the test set out in paragraph 11 d) ii.
14. Whilst the evidence does not provide a definitive housing land supply position, the appellant has provided several figures ranging between 1.47 and 1.9 years, and the Council does not dispute that the existing housing supply is within this range. Consequently, there is a substantial shortfall in the housing land supply in the area. The provision of one additional dwelling would make a very small contribution to local housing needs. However, given the extent of the housing shortfall, the delivery of housing carries significant positive weight.
15. The absence of harm in relation to other relevant factors weighs neither for nor against the proposal.
16. The Framework expects proposals to achieve a high standard of amenity for existing users, and, in my judgement, this is the overriding consideration in this case. In this context, the weight I ascribe to the harm that would be caused to the living conditions of the neighbouring occupants is of sufficient importance and weight that it would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the Framework when taken as a whole, and having particular regard to the key policies listed in Footnote 9.

Conclusion

17. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

E Catchside
INSPECTOR