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## Appeal Decision

Site visit made on 24 February 2025

by **Ian McHugh DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

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**Appeal Ref: APP/X1925/D/24/3357598**

**22 Blackmore Way, Wheathampstead, St Albans, AL4 8LJ**

- 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 and Mrs Merlo against the decision of North Hertfordshire District Council.
  - The application Ref is 24/01823/FPH.
  - The development proposed is a detached rear garden room to facilitate gym/sauna/workshop.
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### Decision

1. The appeal is allowed and planning permission is granted for a rear garden room to facilitate gym/sauna/workshop, at 22 Blackmore Way, Wheathampstead, St Albans, AL4 8LJ in accordance with the terms of the application Ref: 24/01823/FPH, subject to the following conditions:
  - 1) The development hereby permitted shall begin no 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: 24-SPPT-000 Proposed Site Plan; 24-P-501 Proposed Ground Floor and Roof Plan; and 24-P-502 Proposed Elevations
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

3. The appeal site comprises a detached dwelling, which is situated in a large plot within a private residential estate. A defining character of the area is the low-density development with properties having large, enclosed private gardens.
4. The appeal proposal is a revised proposal following an earlier application for a larger/taller building, which was refused by the Council in 2024 (24/00828/FPH). The current proposal seeks to erect a relatively large 'L' shaped, single-storey building at the bottom of the rear garden. It would be used for purposes incidental to the appellants' dwelling, including a gym, sauna and workshop. The external walls would be a mix of brickwork and render, and it would have a tiled roof. These materials would match the host dwelling.

5. The Council considers that the proposed building would result in the urbanisation of the rear garden and would be out of character with the local area. As such, the Council cites a conflict with Policies D1 and D2 of the North Hertfordshire Local Plan 2011-2031 (LP) and with Section 12 of the National Planning Policy Framework (The Framework).
6. The LP policies seek to ensure (amongst other things) that development responds positively to the site's local context and is of high quality. Since the Council made its decision, a new version of The Framework was published in December 2024 and revised in February 2025. However, Section 12 of the current version is similar to the document referred to by the Council, insofar that it requires developments to be sympathetic to local character and be visually attractive.
7. At my site visit, I observed that domestic outbuildings in neighbouring gardens tend to be smaller and more traditional than the appeal building, for example wood sheds or smaller garages. In that regard, it could be argued that the appeal building would be at odds with its surroundings and would conflict with the LP and The Framework.
8. Having said that, the proposed building would be largely screened from neighbouring dwellings by fences, trees and other vegetation. A large garden would also be retained, and the spacious character and appearance of the site would not be compromised. Furthermore, the design and appearance of the proposed building would not be offensive. I also note that the appellant states that a large outbuilding could be constructed as 'permitted development' albeit with a lower roof design. In my opinion, these material considerations outweigh any conflict that there may be with the LP and The Framework.

### **Conditions**

9. The Council has suggested conditions in the event of the appeal being allowed. It is necessary to impose the standard time condition requiring the approved development to commence within 3 years of the date of this decision. For clarity, a condition listing the approved plans is also imposed. To ensure a satisfactory external appearance, a third condition is imposed which requires the external materials to match those used on the existing dwelling.

### **Conclusion**

10. For the reasons given above, it is concluded that the appeal be allowed.

*Ian McHugh*

INSPECTOR