

TOWN AND COUNTRY PLANNING ACT 1990

AGENT

Mr Howard Pease
Howard Pease Architects
The Studio 4 Barlings Road
Harpenden
Hertfordshire
AL5 2AN

APPLICANT

Mr T Kimberly
4a Salisbury Avenue
Harpenden
Hertfordshire
AL5 2QG

PLANNING PERMISSION

Demolition of four bedroom house and garage and construction of five bedroom house including attic accommodation

4a Salisbury Avenue Harpenden Hertfordshire

In the pursuance of their powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **permit** the development proposed by you in your application dated 14/01/2025 and received with sufficient particulars on 28/02/2025 and shown on the plan(s) listed below subject to the following conditions and reasons:-

Condition

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

Condition

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Proposed Block Plan (KSA/2025/10); Plans and Elevations (KSA/2024/03 Rev D); Plans and Elevations (KSA/2025/01 Rev D); Plans and Elevations (KSA/2025/02 Rev D); Street Scene (KSA/2024/04 Rev A); Plans and Elevations (KSA/2024/05 Rev D), received on 11/06/2025

Reason

2. For the avoidance of doubt and in the interests of proper planning.

Condition

3. No above ground works shall take place until details and samples of the materials to be used in the construction of the external surfaces of the building, including windows, doors, rainwater goods and boundary treatments, hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Where bricks are specified, they shall be full bricks and not brick slips. The development shall be carried out in accordance with the approved details.

Reason

3. To ensure that the finished appearance of the development is satisfactory. To comply with Policies 69 and 85 of the St. Albans District Local Plan Review 1994.

Condition

4. The development hereby permitted shall not proceed beyond damp proof course until larger scale detailed plans and drawings should be submitted showing:

(a) eaves (at a scale of 1:10)

(b) windows, rooflights and other openings including sections and reveals at a scale of 1:5

(c) parapets (at a scale of 1:10)

(d) front window and panel details to include details of the infill of panels between ground and first floor panels. These panels should use a suitable material and detail, such as brick laid in a herringbone pattern shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out except as in accordance with details so approved.

Reason

4. To ensure that the appearance of the building and the conservation area is satisfactory and in compliance with Policies 69 & 85 of the St. Albans District Local Plan Review 1994 and The National Planning Policy Framework 2024.

Condition

5. The rooflights hereby permitted shall be of a conservation style and shall not project beyond the plane of the roofslope in which they are inserted.

Reason

5. To ensure that the appearance of the building and the conservation area is satisfactory and in compliance with Policies 69 & 85 of the St. Albans District Local Plan Review 1994 and The National Planning Policy Framework 2024.

Condition

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and/or re-enacting that order with or without modification), no development that would fall within Class A, C, D or F of Part 1 or Class A, B or C of Part 2 of Schedule 2 to that order shall be undertaken without express planning permission.

Reason

6. To allow for the consideration of such proposals on their own merits and to safeguard the setting of nearby listed buildings and the character and appearance of the conservation area in accordance with Policies 69 & 85 of the St. Albans District Local Plan Review 1994 and The National Planning Policy Framework 2024.

Condition

7. No trees or hedge planting shall be damaged or destroyed, or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority until after 12 months of the completion of the permitted development. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced by trees of such size and species as may be agreed with the Local Planning Authority.

Reason

7. To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

Condition

8. The development shall be completed in strict accordance with the recommendations of Section 9 (Arboricultural Method Statement (AMS)) of Arboricultural Report (S1612-J1-R-1), prepared by JohnCromar's Arboricultural Commpany Limited, dated 6th June 2025,

Reason

8. To protect existing trees and hedge during the course of construction works in order to ensure satisfactory landscape treatment in the interests of visual amenity and that the character and amenity of the area are not impaired. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

Condition

9. All windows to be created in the south elevation facing towards no.4 Salisbury Avenue shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres taken from internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason

9. To maintain the privacy of adjoining residents. To comply with Policy 72 of the St. Albans District Local Plan Review 1994.

Condition

10. Before the use commences a noise assessment should be carried out to establish whether the air source heat pumps that are to be installed or operated in connection with carrying out this permission are likely to give rise to complaints at any adjoining or nearby noise sensitive premises. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise from the air source heat pumps do not, at any time, increase the ambient equivalent continuous noise level at the boundary of nearest noise sensitive receptor.

The rating level of any plant/machinery/equipment to be used shall not exceed the background sound level.

Reason

10. To protect the amenities of adjoining development. To comply with Policy 70 of the St. Albans District Local Plan Review 1994

Biodiversity Gain Condition

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be St Albans City and District Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply:

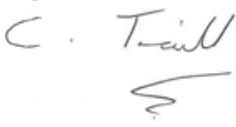
Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Justification for the grant of planning permission

The proposed development is considered acceptable, as it is compatible with the style, scale and character of the street scene. There will be no adverse impact on neighbouring properties and car parking requirements are adequate. The proposed would preserve the appearance of Harpenden Neighbourhood Plan (2019). The proposal is in accordance with Policy 39 (Parking Standards, General Requirements), Policy 40 (Residential Development Parking Standards), Policy 69 (General Design and Layout), Policy 70 (Design and Layout of New Housing) and Revised Parking Policies and Standards, January 2002 of the St. Albans District Local Plan Review 1994, the relevant policies of the Harpenden Neighbourhood Plan (2019) and the National Planning Policy Framework 2024.

Signed



Christine Traill
Strategic Director – Community and Place Delivery
St Albans City & District Council

Dated

INFORMATIVES:

The Local Planning Authority has been positive and proactive in its consideration of this planning application. The development improves the economic, social and environmental conditions of the District.

This determination was based on the following drawings and information: Design and Access Statement; External Materials Schedule (January 2025); Sustainability Statement; Existing Roof Plan; First Ground Floor Plan Existing; Floor Plan Existing; Existing Front Elevation; Existing Rear Elevation; Existing Side Elevation; Existing Block Plan; Site Location Plan; received 15/10/2025

Proposed Block Plan (KSA/2025/10); Plans and Elevations (KSA/2024/03 Rev D); Plans and Elevations (KSA/2025/01 Rev D); Plans and Elevations (KSA/2025/02 Rev D); Street Scene (KSA/2024/04 Rev A); Plans and Elevations (KSA/2024/05 Rev D); Arboricultural Report (S1612-J1-R-1), prepared by JohnCromar's Arboricultural Company Limited, (6.6.2025), received 15/07/2025

Biodiversity Gain Informative

If permission is granted to proceed in phases:

If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 apply.

Biodiversity gain plans are required to be submitted to, and approved by, the planning authority before development may be begun, and, if subject to phased development, before each phase of development may be begun (Phase Plans).

Irreplaceable habitat:

If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.

THIS IS AN IMPORTANT DOCUMENT AND IS LIKELY TO BE REQUIRED WHEN YOU COME TO SELL YOUR PROPERTY. YOU ARE ADVISED TO KEEP IT WITH YOUR TITLE DEEDS.

The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.

The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.

The effect of section 73D of the Town and Country Planning Act 1990:

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

Statutory exemptions and transitional arrangements in respect of the biodiversity gain condition:

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates was granted before 12 February 2024; or

(ii) the application for the original planning permission to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

i) the application for planning permission was made before 2 April 2024;

ii) planning permission is granted which has effect before 2 April 2024; or

iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and**
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).**

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;**
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and**
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).**

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

More information can be found in the Planning Practice Guidance online at <https://www.gov.uk/guidance/biodiversity-net-gain>.

AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN2) Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

AN3) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN4) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

No demolition or construction works relating to this permission should be carried out on any Sunday or Bank Holiday nor before 07.30 hours or after 18.00 hours on any days nor on any Saturday before 08.00 hours or after 13.00 hours.

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

The attention of the applicant is drawn to The Building Regulations 2010, Approved Document E 'Resistance to the passage of sound', Section 0: Performance.

Internal ambient noise levels for dwellings

Activity	Location	0700 to 2300	2300 to 0700
Resting	Living room	35 dB Laeq, 16 hour	
Dining	Dining room/area	40 dB Laeq, 16 hour	
Sleeping (daytime resting)	Bedroom	35 dB Laeq, 16 hour	30 dB Laeq, 8 hour

The levels shown in the above table are based on the existing guidelines issued by the World Health Organisation.

The L_{Amax,f} for night time noise in bedrooms should be below 45dBA; this is not included in the 2014 standard but note 4 allows an L_{Amax,f} to be set. 45dBA and over is recognised by the World Health Organisation to be noise that is likely to cause disturbance to sleep.

Dust

Dust from operations on the site should be minimised by spraying water or by carrying out other such works necessary to contain/suppress dust. Visual monitoring of dust should be carried out continuously and Best Practical Means (BPM) should be employed at all times.

The applicant is advised to consider the document entitled 'The control of dust and emissions from construction and demolition - Best Practice Guidance', produced in partnership by the Greater London Authority and London Councils.

Bonfires

Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of following the proper duty of care and should not be burnt on the site. All such refuse should be disposed of by suitable alternative methods. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted

Details of any external lighting proposed in connection with the development should be submitted to and approved by the Local Planning Authority prior to the commencement of development.

Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner.

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

This is a decision to **grant** planning permission for a **Full planning permission / Change of Use**. If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If you have agreed a longer period with the LPA, the time limit runs from that date.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN or online at <https://www.gov.uk/appeal-planning-decision>

The Secretary of State may allow a longer period for the giving of notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development, or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under a development order.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.