

Reference No: 5/25/2216

Valid Date: 22/12/2025

End of Stat Period Date: 15/02/2026

Case Officer: Jacqui Ansell

Report Written Date: 25/01/2026

Applicant: K Elliott

Proposal: Alterations to first floor flat to create an additional third bedroom

Site Address: 13 The Dell St Albans Hertfordshire

Ward: Clarence

Parish:

Constraints:

Ward

Source Protection Zones

Parish

Met Office 2

Met Office 1

LEADS Ecology

Area of Special Control for Ad

Airport Safeguarding

Airport Safeguarding

BACKGROUND

Site / Surroundings: The application site is located to the south of Sandpit Lane and is a first floor residential flat, within a three storey building. The surrounding area is mainly residential consisting of purpose built flats and dwellings.

Proposal:

This application proposes alterations to the first floor flat to create an additional bedroom.

Relevant Plan History:

1-33 The Dell

5/16/0342 Replacement roof. Granted.

PLANNING POLICY

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

The development plan is the St Albans District Local Plan Review.

The National Planning Policy Framework (NPPF) is also a material consideration.

Paragraph 11 of the NPPF states that there is a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Paragraphs 231 and 232 of the NPPF reads as follows:

The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.

However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The degree of consistency of the Local Plan policies with the framework will be referenced within the discussion section of the report where relevant.

The Local Plan was submitted, on 29th November 2024, to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Ministry of Housing, Communities and Local Government. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The Local Plan generally has limited weight in decision making at this time. The emerging policies have been considered but have limited weight in relation to the assessment of this application.

National Planning Policy Framework

St. Albans District Local Plan Review 1994:

POLICY 39	Parking Standards, General Requirements
POLICY 40	Residential Development Parking Standards
POLICY 69	General Design and Layout
POLICY 72	Extensions in Residential Areas

Supplementary planning Guidance/Documents:

Revised Parking Policies and Standards, 2002.

REPRESENTATIONS

Publicity:

Expiry Date:

Notifications:

Adjoining Occupiers

Neighbour letters were sent to 42 addresses in accordance with the Council's published Statement of Community Involvement.

Two representations have been received raising the following:

- Concern that the direct link between the kitchen and bedrooms could be a fire hazard;
- I already have water problems being so close to the tank on the roof.

Officers Note: The above concern is acknowledged however it is noted that a door will separate the kitchen from the bedrooms and each bedroom has a door. Both water efficiency and fire safety would be dealt with under the Building Regulations.

Town/Parish Council:

N/A

Consultations:

N/A

DISCUSSION

Main Issues:

Design and Layout

The application site is a first floor two bedroom flat within a three storey building. The surrounding area is mainly residential comprising of purpose built flats and dwellings.

The application proposes internal alterations to create a third bedroom within the flat. No external alterations are proposed and the new layout would utilise the existing windows providing a sufficient outlook and standard of light to all rooms.

There is no objection to the proposed works and, in the absence of external alterations, the proposed development would retain the existing appearance and character of the block of flats and street scene.

The development therefore complies with Policies 69 and 72 of the Local Plan and the NPPF.

Impact on Neighbours

The development proposes internal alterations only to an existing residential flat. In the absence of external alterations, the development would not result in harm to the amenity of the occupiers of neighbouring properties, in accordance with Policy 69 of the Local Plan and the NPPF. Additionally, the provision of a third bedroom would not result in an adverse over intensification of the site as the use will remain as residential.

Impact on Highways and Parking Provision

The existing flat has two bedrooms and two car parking spaces. A three bedroom residential unit, under Policy 40, would require a maximum of 2.5 spaces. The Revised Parking Policies and Standards and the NPPF allows for a lower provision dependent on whether a site is in a sustainable location. Given the site is located within a Town and close to all

public amenities, the parking provision of 2 is acceptable and in accordance with the Revised Parking Policies and Standards of the Local Plan and the NPPF.

Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the 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.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. 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 are considered to apply.

Comment on Town / Parish Council / District Councillor / Concern(s):

N/A

REASONS FOR GRANT/REFUSAL

To include justification for recommendation and relevant development plan policies

The proposed development is considered acceptable, as it is compatible with the scale and character of the street scene. There will be no adverse impact on neighbouring properties and car parking requirements are adequate. 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 72 (Extensions in Residential Areas) and Revised Parking Policies and Standards, January 2002 of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2024.

EQUALITY AND HUMAN RIGHTS CONSIDERATIONS

Consideration has been given to Articles 1, 6, 8, 9, 10 and 14 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.

When considering proposals placed before the Council as Local Planning Authority, it is important that it is fully aware of and has themselves rigorously considered the equalities implications of the decision that they are taking. Therefore, rigorous consideration has been undertaken by the Council as the Local Planning Authority to ensure that proper appreciation of any potential impact of the proposed development on the Council's obligations under the Public Sector Equalities Duty.

The Equalities Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share protected characteristics under the Equality Act and persons who do not share it. The protected characteristics under the Equality Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

It is considered that the decision has had regard to this duty. The development would not conflict with either St Albans City and District Council's Equality Policy and would support the Council in meeting its statutory equality responsibilities.

RECOMMENDATION: Conditional Permission **Decision Code:**

Conditions/Reasons

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: J2032/P01 Revision A, J2032/P02.

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

3. 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:

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)**

Informative(s):

1. This determination was based on the following drawings and information: J2032/P01 Revision A, J2032/P02 (received 4.12.25).

2. 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.

3. Under the Control of Pollution Act 1974, the applicant is advised that no demolition or construction works relating to this site and development 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

4. Remember - you are responsible for the legal and safe disposal of any waste associated with your project. In the event of your waste being fly tipped or otherwise disposed of illegally or irresponsibly, you could be held liable and face prosecution. If you give waste to anyone else ensure they are authorised to carry it. Ask for their carrier's authorisation. You can check online at <https://environment.data.gov.uk/public-register/view/search-waste-carriers-brokers> or by telephone 03708 506 506.

5. When carrying out these works please give utmost consideration to the impact during construction on the environment, neighbours and the public. Think about using a company to carry out the works who are registered under the Considerate Constructors Scheme. This commits those registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

6. The applicant is advised that the proposed development will need to comply with the Building Regulations. Advice on the matter can be obtained from the Building Control section of the Council.

7. 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.

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>.

PLAN NO'S:

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Officer	Jacqui Ansell
Section 65 Parties	Management Committee The Dell Limited 22 The Dell St Albans Hertfordshire
Plans on website	http://planning.stalbans.gov.uk/Planning/lq/GFPlanningSearch.page?org.apache.shale.dialog.DIALOG_NAME=gfplanningsearch&Param=lq.Planning

Author: Jacqui Ansell

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