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## Appeal Decision

Site visit made on 21 September 2016

**by Andy Harwood CMS MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 6 October 2016**

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**Appeal Ref: APP/F0114/D/16/3156237**

**41 The Brow, Twerton, Bath BA2 1EA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Ian Pearce against the decision of Bath & North East Somerset Council.
  - The application Ref 16/01363/FUL, dated 18 March 2016, was refused by notice dated 23 May 2016.
  - The development proposed is the construction of 2 storey side extension; conversion of existing and proposed roof space to form habitable room to include construction of rear dormer window; demolition of existing detached garage.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The effect of the proposed rear dormer upon the character and appearance of the dwelling, the surrounding area and in particular the public realm within The Brow.

### Reasons

3. The existing dwelling at the appeal site is a semi-detached property positioned at the end of a cul-de-sac which is part of a tight knit residential estate known as The Brow. This is built on a hillside and the estate road has a substantial gradient on approaching the site. The Brow includes many similar properties, 2 storey dwellings primarily with simple pitched gable roofs. The back of the dwelling can be clearly seen in a high position from the footpaths and carriageway of The Brow on approaching the site up-hill from a point in a bend of the estate road close to No 12. It is seen across the adjoining garage courtyard from the pavement and carriageway.
  4. The proposal would include a 2 storey side extension. This would have a pitched roof slope matching the existing dwelling at the front and gable end facing towards the adjoining housing estate on higher land. On the rear roof a large flat roof dormer is proposed that would go across much of the extension and also the existing dwelling. The dormer would be in a high, prominent position extending from the ridgeline and down to just above eaves level. Not much of the pitched roof slope would be visible when looking from the rear. Whilst it would be clad with tiles to match the roof, it would still stand out as a new and bulky addition. The dormer would dominate the roof rather than
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appearing subservient to the dwelling and would unbalance the pair of semi-detached dwellings

5. There are a number of similar dormer extensions added to other dwellings within the estate. Most of the roof slopes of dwellings facing onto the road however remain unaltered. There are few exceptions to this. The much narrower dormer at the rear of No 10 is one that I could see from the road and also from the garden within the appeal site. I also noted a large 2 storey flat roofed extension in a prominent position at the rear of No 7 which has altered the appearance of that dwelling but in a different way from the appeal proposal. These examples are not sufficiently numerous to override the original character of the dwellings that is still largely evident.
6. The appellant has referred to No 10 and other examples of larger roof dormers. From The Brow I could see the sides of some of those that are along the western side of the road. It is not for me to review those decisions in this appeal which has to be considered on its own merits. Those examples also do not affect public views from The Brow as much as this proposal would. I did walk into Innox Park and there is no doubt that the other examples are visible from there which is within the public realm. However that is a very different view of the estate than the main street-scene that would be affected by the proposed dormer. I also saw the example of the rear extension within Freeview Road which looks to be a very different type of development from that proposed in this case.
7. This proposal would not reinforce or compliment the attractive qualities of The Brow. In relation to the main issue, the proposed rear dormer would have a harmful impact upon the character and appearance of the dwelling, the surrounding area and in particular the public realm within The Brow. This would not comply with Policies D.2 and D.4 of the Bath and North East Somerset Local Plan<sup>1</sup>.
8. The appellant has suggested that planning conditions could be used to alter the proposal to mitigate its impact. The Planning Practice Guidance states that conditions which modify a development in such a way as to make it substantially different from that in the application should not be used. It is also not clear that it would be possible to make the development acceptable. Furthermore that could deprive those who should be consulted about the altered development, of the opportunity of commenting on the changes.
9. The appellant requires a study as he is able to work from home. However this, the other benefits to him and the concerns about the lack of discussion through the application process do not outweigh my conclusion on the main issue.

## **Conclusion**

10. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

*Andy Harwood*

INSPECTOR

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<sup>1</sup> Bath and North East Somerset Local Plan including minerals and waste policies, adopted October 2007