
Appeal Decisions

Site visit made on 28 September 2016

by Clive Nield BSc(Hon), CEng, MICE, MCIWEM, C.WEM

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

Decision date: 7 October 2016

Appeal Ref: APP/P0119/C/16/3151860

128 Pursey Drive, Bradley Stoke, Bristol, South Gloucestershire, BS32 8DP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs C Melville against an enforcement notice issued by South Gloucestershire Council.
 - The enforcement notice, numbered COM/16/0422/OD/1, was issued on 19 May 2016.
 - The breach of planning control as alleged in the notice is, without planning permission, the development of a rear dormer to facilitate a loft conversion.
 - The requirements of the notice are to: (a) permanently remove all development associated with the construction of the dormer; and (b) return the slope of the roof to its original state before development took place.
 - The period for compliance with the requirements is 28 days.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.
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Appeal Ref: APP/P0119/W/16/3150108

128 Pursey Drive, Bradley Stoke, Bristol, South Gloucestershire, BS32 8DP

- 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 Mrs C Melville against the decision of South Gloucestershire Council.
 - The application Ref PT16/1325/F, dated 15 March 2016, was refused by notice dated 10 May 2016.
 - The development proposed is a loft conversion for a bedroom/en-suite under a new flat roof dormer.
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Decisions

Appeal Ref: APP/P0119/C/16/3151860

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal Ref: APP/P0119/W/16/3150108

2. The appeal is dismissed.

Procedural and Background Matters

3. The appeal property is part of an estate for which planning permission was granted in 1991. That permission included a condition withdrawing certain permitted development rights to protect the visual amenity of the area, including that for dormer extensions. Thus any such extension requires planning permission.
4. The dormer has been only partially constructed at present, and further work is being held in abeyance until these appeals are determined. However, as it is clear that Mrs Melville wishes to construct the scheme the subject of the second appeal, which would involve completion of the currently partially completed structure, I have taken that to be the development to be considered.
5. The proposal initially put forward for planning permission was for a dormer extending over almost the whole of the width of the property. However, that was subsequently amended and the length of the dormer was slightly reduced.

Main Issues

6. The main issues in this case are the effects of the proposed dormer on the character and appearance of the area and the amenity of neighbouring residents, particularly with regard to visual amenity and privacy.

Reasons

7. Although slightly smaller than originally proposed, the dormer would be of substantial size and would markedly change the shape and appearance of the appeal property's roof. The property would be converted from a typical 2 storey house to one of, to all intents and purposes, 3 storeys when viewed from the rear or side. The sheer bulk of the dormer would give a top-heavy appearance and would be of a form and scale completely at odds with the character of the host building.
8. Not only would the dormer be out of character with the host building, but it would also be alien to the character of the area around it, which is characterised by a relatively uniform style and scale of houses, none of which have large dormer extensions of the scale and bulk proposed here. The dormer can be readily viewed from another leg of Pursey Drive at the rear and from a number of other properties. I conclude that the dormer would unacceptably harm the character and appearance of the building and the wider area and be contrary to Policy CS1 of the adopted South Gloucestershire Local Plan Core Strategy 2006-2027 and to saved Policy H4 of the South Gloucestershire Local Plan (adopted in 2006).
9. Turning to effects on the amenity of neighbouring residents, the same poor design issues would be detrimental to visual amenity. In addition, the incongruous nature of the proposal would have a particular impact in views from close distance and its substantial size would tend to be overbearing.
10. It has also been argued that the dormer window would result in loss of privacy for the neighbouring property, particularly for an area of private garden. Whilst there would be some increase in overlooking, the existing first floor windows of the appeal property already provide some overlooking, and I do not consider this to be a significant factor.

11. However, in view of the harm to the visual amenity of several neighbouring dwellings, the dormer extension would also conflict with the same policies in respect of residential amenity.
12. Mrs Melville has provided considerable evidence of other large dormer extensions in Bradley Stoke, particularly those at 71 The Bluebells and 189 Ormonds Close, which have been granted planning permission in the last 12 months. She argues that the Council is being inconsistent in allowing those but not the appeal proposal.
13. I have viewed both of those properties, and they are indeed of considerable size and significantly affect the character and appearance of their host buildings. However, that does not necessarily mean they are good examples to follow or that they exhibit desirable design qualities. I am not familiar with the particular circumstances under which each of those was considered, even though the Council's committee reports have been provided, and it is important to consider each case on its own merits.
14. In addition, those houses are in settings that are quite different from the appeal property. Houses in The Bluebells are much more varied in style and character than those in Pursey Drive, and Ormonds Close is so far away (some 2-3 miles) that the characteristics of the area are of little relevance to Pursey Drive. Whilst Mrs Melville may argue inconsistency on the part of the Council, I do not consider that to be so, and nor do I consider those other properties to provide any material assistance to my assessment of the current appeal.
15. Mrs Melville has also drawn to my attention that a dormer of this sort would normally be allowed under permitted development rights. However, those rights were withdrawn for this housing development in order to protect the visual amenity of the area, and I find it unacceptable for the same reason.
16. Overall, I conclude that the dormer would be unacceptably harmful to the character of the host building, the wider character and appearance of the area and the visual amenity of neighbouring residents. Its retention would be contrary to Policy CS1 of the adopted South Gloucestershire Core Strategy and saved Policy H4 of the adopted 2006 Local Plan. In the same way it would be contrary to national planning policy as contained in the National Planning Policy Framework.
17. For the reasons given above I conclude that the appeals should not succeed. I shall uphold the enforcement notice, refuse to grant planning permission on the deemed application and dismiss the appeal against the refusal of planning permission.

Clive Nield

Inspector