
Appeal Decision

Site visit made on 26 September 2016

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 7th October 2016

Appeal Ref: APP/X0415/D/16/3155186

29 Darvell Drive, Chesham, Buckinghamshire HP5 2QL

- 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 Hira Safdar against the decision of Chiltern District Council.
 - The application Ref CH/2015/2123/FA, dated 13 November 2015, was refused by notice dated 27 May 2016.
 - The development proposed is a loft conversion.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The second reason for refusal on the decision notice issued by the Council relates to possible enforcement action should their Committee refuse planning permission. Given that does not relate to the planning merits of the case, I have not consider this matter any further.

Main Issue

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

Reasons

4. The appeal site is located on the south-eastern side of Darvell Road. To the rear are industrial units which are set at a considerably lower land level. No 29 has been extended to the side and a box dormer has been constructed to the rear. The appeal proposal is in effect to retain, and alter, the box dormer.
 5. The dormer window is a substantial addition to the roof of the property and significantly increases the massing of the building when viewed from the rear. Given the overall size and bulk of the dormer, it would not respect the original roof form and has a detrimental effect on its external appearance principally as a result of its width relative to the host dwelling and its limited set back from the eaves.
 6. Whilst the height of the roof is set down approximately 0.5 metres from the ridge line of the dwelling, and the fenestration follows the size and alignment of the first floor windows below, this does not overcome the overall bulk of the dormer.
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7. I acknowledge that the dormer it would not be prominent in the streetscene owing to its location, with views limited to the side elevations. However, it would be visible from a number of residential properties.
8. I have also had regard to the numerous examples of box dormers in Chesham which have been drawn to my attention by the appellant, some of which are more prominent than the appeal development. I also saw the much smaller, subservient, dormers at 35 and 37 Darvell Drive. From the limited information before me it appears that most, if not all, of these dormers would not have required express planning permission, as they would have utilised permitted development rights. Moreover, each case must be decided upon its own merits.
9. For the above reasons, I conclude that the dormer, by reason of its excessive width and resultant massing, would lead to unacceptable harm to the character and appearance of the dwelling and the surrounding area contrary to the provisions of saved Policies GC1, H15 and H18 of the Chiltern District Local Plan (1997), Policy CS20 of the Core Strategy for Chiltern District (2011), and the advice set out in the Residential Extensions and Householder Development Supplementary Planning Document which amongst other things seek to protect the character and appearance of the area. It would also be at odds with the design aims of the National Planning Policy Framework.

Other matters

10. The appellant has suggested a fallback position of a dormer window which could extend across the entire width of the original dwelling up to the height of the main roof. It is also commented that this would appear more contrived than the appeal development.
11. Whilst this fallback position is clearly a material consideration, the width of a 'permitted development' dormer would be significantly less than the appeal proposal and as such the bulk and massing of it would also be significantly less. Given this, I consider that the fallback position does not outweigh the harm I have found.

Conclusion

12. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR