The Planning Inspectorate

Appeal Decisions

Site visit made on 7 October 2016

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 4 November 2016

Appeal Ref: APP/A0665/W/16/3143699
74 Overleigh Road, Chester CH4 7HW

- 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 and Mrs Dear against the decision of Cheshire West and Chester Council.
- The application Ref 15/04095/FUL, dated 5 October 2015, was refused by notice dated 10 November 2015.
- The development proposed is loft conversion including dormer.

Appeal Ref: APP/A0665/C/16/3144174 & 3144242
74 Overleigh Road, Chester CH4 7HW

- The appeals are made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeals are made by Mr and Mrs Dear against the decision of Cheshire West and Chester Council.
- The notice was issued on 8 February 2016.
- The breach of planning control as alleged in the notice is the construction of a dormer extension to the rear and the installation of two x no. roof skylights.
- The requirements of the notice are 1. Demolish the unauthorised dormer development at the rear of the property and restore the roof to its previous state and appearance and remove all waste material arising from such work from the site; and 2. Remove the unauthorised skylights from the front roof area and restore the roof to its previous state and appearance and remove all waste material arising from such work from the site.
- The period for compliance with the requirements is six (6) months.
- The appeals are proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Decisions

1. The appeals are dismissed insofar as they relate to the dormer at the rear and the enforcement notice is upheld. The appeals are allowed insofar as they relate to the two skylights and planning permission is granted on the application deemed to have been made under Section 177(5) of the 1990 Act as amended for the development already carried out, namely the installation of two roof skylights at 74 Overleigh Road, Chester as referred to in the notice.

Reasons

2. 74 Overleigh Road is a mid-terraced two-storey plus attic dwelling that is situated within the Handbridge Conservation Area, where an Article 4 Direction withholds permitted development rights. The main issue is the effect of the dormer at the rear of the property and the two skylights at the front of the property on the character and appearance of the Conservation Area.

3. The dwellings in the terrace are constructed in brick under slate roofs, and the terrace generally, which was built in about the 1860's, is well preserved. The skylights at the front of the property are conservation style rooflights and have been installed symmetrically on the roof slope and close to the ridge. They are only visible in the street scene on close inspection of the terrace and if attention is being closely made to its roof. The skylights are, in this regard, unobtrusive and, given their sympathetic style, they do not adversely affect the character and appearance of the terrace and the Handbridge Conservation Area. The two skylights do not conflict with either saved policy ENV 37 of the Chester District Local Plan (LP) or policy ENV 5 of the Cheshire West and Chester Local Plan (CLP).

4. The dormer at the rear extends across almost the full width of the roof slope and its flat roof is at ridge height of the dwelling's roof. Only very small parts of the former rear roof slope remain; that part which extends out from the rear wall of the dwelling to the gutter and those parts over the party walls to adjoining dwellings. Consequently, the dormer dominates the terraced dwelling and has, in effect and at the rear, changed it from a two storey dwelling under a pitched slate roof to a flat roofed three storey dwelling. The contrast with other dwellings in the terrace is obvious and seriously harmful to the character and appearance of the terrace. Notwithstanding the 1970's and 1980's developments to the rear of the terrace and other works to dwellings in the terrace, the dormer has had a serious adverse effect on the character and appearance of the Handbridge Conservation Area and conflicts with saved LP policy ENV 5 and CLP policy ENV 5.

5. The dormer causes harm to a designated heritage asset though, given the extent of the Conservation Area, the harm is less than substantial. Paragraph 134 of the National Planning Policy Framework states that, in these circumstances, the harm should be weighed against the public benefits of the development. The appeal property is privately owned and there are no public benefits to be weighed against the harm caused.

6. The skylights at the front of the property do not harm the character and appearance of the Handbridge Conservation Area whereas the dormer at the rear is seriously harmful to the character and appearance of the same area. The appeals succeed in so far as they relate to the two skylights but fail in so far as they relate to the dormer. Planning permission has thus been granted for the two skylights at 74 Overleigh Road, Chester, but is withheld for the dormer.

John Braithwaite

Inspector