
Appeal Decision

Site visit made on 21 November 2016

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 28 November 2016

Appeal Ref: APP/W4515/D/16/3157938

34 Fairfield Drive, Whitley Bay NE25 9SA

- 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 Karen Westgate against the decision of North Tyneside Metropolitan Borough Council.
 - The application Ref 16/01112/FULH, dated 28 June 2016, was refused by notice dated 23 August 2016.
 - The development proposed is a retrospective planning application for a Dormer Window on the back of the property with a Juliette Balcony (Building Regulations Compliant).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The majority of the development which is the subject of this appeal has already taken place. It is therefore retrospective and I have considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on:
 - (i) the character and appearance of the surrounding area; and
 - (ii) the living conditions of the neighbouring occupiers at 2 Fair Green, with particular regard to privacy.

Reasons

Character and appearance

4. The appeal site is a semi-detached bungalow located on Fairfield Drive, close to the junction with Fair Green. From my site visit, it was evident that a relatively modest rear extension with a flat roof has been added to the dwelling, along with the rear dormer which forms the subject of this appeal.
 5. Public views of the dormer are limited, given its position at the rear of the host dwelling. In this position, only limited glimpses of the side elevation are readily visible from Fairfield Drive. However, I accept that increased views of the dormer are experienced within the public realm from positions close to the junction on Fair Green.
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6. Development Control Policy Statement No. 9 of the North Tyneside Council Unitary Development Plan 2002 (the UDP) deals with residential extensions. It states that large flat roofed dormers should be avoided and traditionally designed modest dormer windows are encouraged, when considered necessary.
7. In this case, the dormer represents a sizeable addition that has resulted in a change to the appearance of the rear roof slope. I acknowledge that as the dormer includes a flat roof, to an extent this particular design feature visually actuates its scale. In addition, the design is also at odds with the guidance within the UDP. Nevertheless, the new addition is set back from the ridge and eaves of the host dwelling and set in on each side.
8. With an expanse of rear roof slope still evident, and adequate space around the addition, I consider the new dormer appears as a proportionate addition. Despite the technical breach of Development Control Policy Statement No. 9 of the UDP, I do not consider that the dormer appears excessively large or bulky, poorly proportioned or a dominant addition. In relation to the proposed Juliette style balcony to the door, given the modest proportions, I do not find this additional aspect would result in the dormer appearing dominant or incongruous.
9. Notwithstanding the above, Policy H11 of the UDP requires new development to take into account the use of materials, along with scale and massing. In this instance the use of white UPVC to the external fascia's represents a stark feature in an otherwise relatively dull roof slope.
10. The appellant accepts that the external materials do not relate well to the existing roof materials of the host dwelling and has offered to amend the existing material to one which is more similar to the existing roof. I have given consideration to this suggestion. However it is not clear what materials the appellant had in mind and whether it would be technically feasible to remove the existing fascia's and replace with a substitute material. As such based on the limited evidence before me, I am not satisfied it is possible to impose a condition on this permission regarding the replacement of the external fascia's.
11. The appellant has drawn my attention to a number of examples of dwellings within the immediate locality that have either front or rear dormers. I acknowledge that these examples display a relatively wide variation in both design and use of construction materials. However, although there are certain similarities with some of the examples in relation to the appeal scheme, I cannot be certain that the circumstances in each case are directly comparable. I have therefore determined the appeal on its own merits, as I am required to do.
12. Accordingly despite finding no harm with regards to the scale of the dormer, the use of UPVC external materials detracts both from the character and appearance of the host dwelling and also the wider surrounding area. Thus, conflict exists with Policy H11 and Development Control Policy Statement No. 9 of the UDP insofar as they seek to ensure good design which complements the host dwelling and the character of the area.

Living conditions

13. The rear of the host dwelling faces part of the side elevation and rear garden of 2 Fair Green. This neighbouring dwelling is a bungalow with a flat roofed side

extension, part of which is sited adjacent to the rear boundary of the appeal site. No 2 also has a flat roofed dormer window located within the rear roof slope. The boundary treatment which divides the two dwellings is a timber fence which is approximately 1.8 metres in height.

14. I accept that there is a modest separation distance between the dormer and the rear garden of no 2 of approximately 10 metres. However, the host dwelling has a garden shed and potting shed/small green house located along the shared boundary. From my observations made during my site visit, it was also evident that no 2 also has a garden shed, which is located close to the end of the appellant's potting shed/green house. From my observations I found that the garden paraphernalia acts as additional screening to views in the neighbouring garden from the dormer windows and door. As such, I consider views into the garden of no 2 are limited from the dormer.
15. In addition, I acknowledge that views of the window which serves the dining room of no 2 are seen from the dormer. However, the main view is of the side window of a square bay window arrangement. Moreover, due to the location of the appellant's shed, it is only possible to view the upper most section of the side window.
16. Accordingly, owing to the separation distances involved and additional screening as a result of the garden paraphernalia, I do not consider that the extent of overlooking of the garden area would be significant enough to warrant refusal of planning permission. I accept that some overlooking is possible, but it is not unusual for gardens to be overlooked to some extent, particular in the context of a built up environment. I therefore conclude that the scheme does not result in a material loss of privacy for users of either the garden or dining room at 2 Fair Green. In this regard, the development accords with the amenity aims of Policy H11 and Development Control Policy Statement No. 9 of the UDP.

Conclusion

17. I conclude that the scheme does not result in significant harm to the living conditions of the occupiers of the neighbouring dwelling of 2 Fair Green. However, the harm I have found to the character and appearance of both the host dwelling and wider area due to the use of the external materials is decisive. Accordingly, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR