

Appeal Decision

Site visit made on 28 November 2016

by Anthony J Wharton BArch RIBA RIAS MRTPI

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

Decision date: 6 December 2016

Appeal Ref: APP/E2001/C/16/3150363

51 Hook Road, Goole DN14 5JB

- 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 Mr Craig Collins against an enforcement notice issued by the East Riding of Yorkshire Council.
 - The enforcement notice was issued on 22 March 2016.
 - The breach of planning control alleged in the notice is: the erection of a dormer within Article 2(3) land (conservation area). The dormer extends beyond the plane of the existing roof slope which forms the principle elevation of the property and fronts a highway.
 - The requirements of the notice are as follows:
 - i) Permanently remove the unauthorised dormer from the principle elevation of the property on the Land, and
 - ii) Reinstall the roof and gothic style twin dormers to their form prior to the unauthorised works taking place, as shown on plan 15-016-002 'existing elevations' dated November 20015 included in Planning Application reference 15/03768/PLF (attached to this notice for information), ensuring that any materials used in the restoration, including barge boards, tiles, bricks, fenestration, lintels and window surrounds match those on the original building.
 - The period for compliance with the requirements is 180 days.
 - The appeal is proceeding on ground (a) only as set out in section 174(2) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and the deemed application under section 177(5) of the Act is refused.

Background information and relevant policy

2. The appeal building is located close to the town centre and within the Hook Road sub-area of the Goole Conservation Area (GCA). It is an end of terrace, double-fronted house on the north western side of Hook Road and looks out to the south east, over the embankment towards the River Ouse. This part of the GCA is characterised by Victorian residential properties which, amongst other features, have attractive gables, bay windows and other typically Victorian architectural features. There are also a large number of unattractive box-like dormer windows to some of the properties along this part of the road.

3. A planning application (15/03768/PLF) originally sought a change of use of the house to a House in Multiple Occupation (HMO), together with alterations to the then existing dormer windows and roof gables above the bay windows. The HMO element of the application was subsequently withdrawn and the Council then considered the other alterations. The gables had already been removed and the dormer constructed. The application, therefore, sought retention of those works. The application was refused due to the effect of the dormers on the traditional Victorian features of the housing and on the character and appearance of the GCA.

4. The most relevant policies are EN36 and EN37 of the Boothferry Borough Local Plan (BBLP). EN36 relates to required standards of design within conservation areas and EN37 relates, amongst other things, to the preservation and enhancement of buildings which characterise the area. The objectives of these policies are carried through to Policy ENV3 (Valuing our heritage) of the emerging East Riding Local Plan.

5. The National Planning Policy Framework (NPPF) is also a significant material consideration in this case and particularly Sections 7 (Requiring good design) and 12 (Conserving and enhancing the historic environment). The local policies are up-to-date and accord with the NPPF. Because the appeal building lies within the GCA, I have paid special attention to the requirements of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA).

The appeal on ground (a)

6. The main issue is the effect of the dormer window(s) alteration as constructed on the character and appearance of the GCA.

7. Having seen the dormer construction from both near and distant viewpoints I share the Council's concerns about its most negative and harmful effect of the character and appearance of the GCA. The box-like structure is seen as a crude and poorly designed addition to this typical Victorian house. The design bears no relationship to the remaining fine architectural and historic details of the house and detracts markedly from these remaining features.

8. As indicated by the Council the GCA was established to conserve and preserve significant elements of the Victorian architecture in this part of the town. The twin gables were a notable and important element of the roofscape to the house. The new dormer, in sweeping these away, has resulted in a most inappropriate modern, obtrusive and visually harmful element which bears no resemblance to the original roof design. The basic design of the dormer as built is perceived as a basic box, devoid of the appropriate scale, form and finish that one would expect on a Victorian building in a conservation area.

9. I consider that the development as carried out is contrary to policies EN36 and EN37 of the BBLP as well as to Policy ENV3 of the emerging ERLP. The works fall well short of the standard of design required and fail miserably to preserve and enhance this fine Victorian building. Rather than 'valuing the heritage' of the locality, this out-of-scale, box-like and visually harmful addition to the roof of No 51 Hook Road 'devalues' this particular heritage asset, the GCA. I acknowledge that similar extensions have been added to nearby properties and, indeed, within the same terrace. However these equally harmful additions (whatever their planning status) cannot be justification for the harm caused to the GCA by the works carried out at No 51.

10. The proposal is also contrary to policies within sections 7 and 12 of the NPPF. At paragraph 63 the NPPF clearly indicates that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It is also contrary to paragraph 131 of the NPPF in that it fails to enhance the heritage asset or to make a positive contribution to local character. Whilst acknowledging that the harm to the GCA might be described as 'less than substantial' (see paragraph 134 of the NPPF) there are no public benefits of this proposal which would outweigh the harm caused.

11. It follows that the proposal neither preserves nor enhances the character or appearance of the GCA and I do not consider that planning permission should be granted for the retention of the works. In my view the Council rightly refused planning permission for the retention of the dormer and there can be no justification in granting an approval at this appeal stage. The appeal fails.

12. With regard to the comment that the appeal dwelling is on the very edge of the GCA, the counter argument is that it is at the entrance to the area and is important in setting a precedent for other properties. I do not agree that the dormer enhances the dwelling and nor is it sympathetic to the appearance of this part of the GCA. In my view it exacerbates the situation with regard to the other harmful alterations carried out on nearby properties.

Other Matters

13. In reaching my conclusions in this case I have taken into account all of the other matters raised in support of the Appellant's case. These include the detailed statement; background information; the planning history and the detailed grounds of appeal. I have taken into account the comment that the appellant may have misunderstood the status of the area and considered that the works constituted permitted development. The previous condition of the property is also noted and I accept that many other general improvements have been made to its fabric.

14. I have also noted arguments, in favour of the dormer, relating to other gables having been removed and that views of the property from the rear are restricted. As indicated above I have also noted the other flat-roofed, box-like dormers nearby. However, rather than these being seen as being a justification to retain the appeal dormer, I find the opposite to be the case. In my view, to allow the unauthorised works at No 51 to remain, would set a most unfortunate precedent within the GCA and one whereby the Council could have difficulty in resisting further inappropriate and harmful additions to this part of the GCA.

15. None of the above carries sufficient weight to alter my conclusion on the main point at issue and nor is any other factor of such significance so as to change my decision that the appeal should be dismissed, that the enforcement notice should be upheld and that the deemed application should be refused.

Anthony J Wharton

Inspector
