

# Appeal Decision

Site visit made on 31 January 2017

**by Mr C J Tivey BSc (Hons) BPI MRTPI**

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

**Decision date: 8 February 2017**

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**Appeal Ref: APP/X0415/D/16/3163885**

**58 Orchard Lane, Amersham HP6 5AA**

- 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 Shepherd against the decision of Chiltern District Council.
  - The application Ref CH/2016/1399/FA, dated 25 July 2016, was refused by notice dated 24 October 2016.
  - The development proposed is for a first floor extension / roof extension, incorporating side dormer windows and rooflights and new side porch.
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## Decision

1. The appeal is allowed and planning permission is granted for a first floor extension/roof extension, incorporating side dormer windows and rooflights and new side porch at 58 Orchard Lane, Amersham HP6 5AA in accordance with the terms of the application Ref. CH/2016/1399/FA, dated 25 July 2016, subject to the conditions as set out within the schedule at the end of this decision.

## Main Issue

2. The main issue in this case is the effect of the appeal proposal on the character and appearance of the area.

## Reasons

3. The appeal site is situated within a residential street of varied architectural designs, including gable fronted chalets, detached and semi-detached. I note that planning permission was granted by the Council for an increase in ridge height to facilitate extended first floor accommodation at the appeal site. The key difference between the extant permission and the proposal before me is the addition of 1no dormer window to the eastern roof slope as proposed to be extended, and the installation of 2no dormers and a rooflight in the western elevation.
4. I accept that when viewing the proposal in two dimensional form, as demonstrated by the front elevation on Drawing OL PA 02 Rev P, that the forward-most dormer on the western elevation, along with its opposite number, would appear quite incongruous in appearance. However, that does not take into account the matter of perspective. The dormers would be visible within the street, but they would be set well back from the main front elevation of the dwelling, more-or-less in line with the midway points of the facing flank elevations of 56 and 60 Orchard Lane.

5. In the Council's decision notice it states that the proposal would be contrary to paragraph 37 of its Residential Extensions and Householder Development Supplementary Planning Document (September 2013) (SPD), but it does not clarify how such a conflict would occur. I note from reading the SPD that where concerning roof alterations, and dormer windows in particular, it highlights that they should respect the scale and proportions of the roof; should be designed to avoid any excessive horizontal or vertical emphasis; and be of a size which is commensurate to the roof in which it is to be located, in addition to not dominating it. Whilst the insertion of the dormers would clearly give rise to a change in the visual appearance of the roof, as extended on the appeal property, I consider that in themselves they would be relatively modest in scale and being of pitched roof construction, would respect the proportions of the roof with a fairly minimal horizontal and vertical emphasis. I also note from the illustrations set out within the SPD that there is nothing to exclude dormer windows where they are set high on their respective roof slopes.
6. Therefore, by reason of their number, size and siting, I consider that the dormers would not give the building an unduly 'top heavy' or over-developed appearance, and would not have a detrimental impact on the character or appearance of the dwelling, its visual relationship with neighbouring dwellings within the street or the wider area. I find the proposal complies with the SPD along with Policies GC1, H13, H15 and H18 of the Adopted Chiltern Local Plan 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011, which require development to be designed to a high standard; the character and appearance of the street scene not to be adversely affected.

### **Conclusion and Conditions**

7. For the reasons set out above, I conclude that the appeal should succeed.
8. Other than the standard time limit condition the Council has suggested a condition requiring the external materials to be used in the construction of the extensions to match those of the existing building. In the interests of the character and appearance of the surrounding area this is an appropriate condition. In addition, for the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans is imposed.
9. The Council have also recommended two additional conditions to be imposed requiring the glazing to the dormer windows and rooflight to be obscurely glazed and fixed shut where less than 1.7m above the relevant floor, in addition to removing permitted development rights for the insertion of further windows / dormer windows. I consider these conditions to be necessary in the interests of protecting the living conditions of the occupants of neighbouring residential properties from a loss of privacy.

*C J Tivey*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: OL PA 01 Rev A, OL PA 02 Rev P and OL PA 03 Rev B.
3. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
4. Prior to first occupation of the loft conversion hereby permitted, the dormer windows and rooflight shall be fitted with obscured glazing and any part of the windows that are less than 1.7m above the floor of the room in which they are installed shall be non-opening. The dormer windows and rooflights shall be permanently retained as such thereafter.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order, with or without modification), no windows / dormer windows other than those expressly authorised by this permission shall be inserted or constructed at first floor level or above in the East and West elevations of the dwellinghouse.