
Appeal Decision

Site visit made on 6 February 2017

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 10 February 2017

Appeal Ref: APP/F0114/D/17/3166794

14 Lays Drive, Keynsham, Bristol, BS31 2LA

- 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 Lisa Matthews against the decision of Bath & North East Somerset Council.
 - The application Ref 16/05182/FUL, dated 19 October 2016, was refused by notice dated 20 December 2016.
 - The development proposed is to raise the ridgeline of the property by approximately 200mm to accommodate loft conversion with flat roof dormer to rear.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is located within Lays Drive and is a two-storey mid-terrace property. I observed that access to the front of the property is gained by a shared pedestrian path, with an access road and associated parking court to the rear. The wider area is residential, with mainly terraced properties that are generally stepped down from one another, as a result of the topography of the area. I consider that this strongly contributes to the character and appearance of the immediate area surrounding the appeal site.
 4. The appeal scheme seeks to raise the ridge height of the existing roof by some 200mm, which would then match the ridgeline of the neighbouring property No 12. Given the other properties in the terrace all incrementally step down from one another, as do most of the other terraces in the immediate area, the increased ridge height of the appeal property to match its neighbours would not appear in keeping with the established pattern of development. Due to this, the proposal would represent an incongruous feature within the street scene, causing harm to the character and appearance of the area.
 5. Turning to the proposed rear dormer window, this would be a large addition that would cover the majority of the appeal property's roofscape. I observed that the roofscape of the entire terrace is unaltered. Due to the topography of the area, the proposed dormer would be sited in a very elevated position and would be visible from the surrounding area. I accept that the rear elevation of
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the appeal property overlooks an access road used by residents to park and access their garage/gardens. Further, I acknowledge that No 16 is staggered further back from the appeal property and the proposed dormer would sit in line with No 16, due to this stagger. Notwithstanding these matters, the proposed dormer would be visible from Lays Drive and given the unaltered roofscape of the entire terrace and the size and elevated position of the proposed dormer, I consider that it would be an overly dominant feature in the street scene, which would also cause harm to the character and appearance of the area.

6. I accept that there are other properties in the area that have loft conversions, including those within a large new estate close by. However, such examples do not fall within the immediate vicinity of the appeal site and do not share its distinct character and appearance. Consequently, such other examples do not overcome my concerns or set a precedent for the proposal.
7. The appellant has set out that the rear dormer window could be constructed under permitted development rights. However, I have limited information in relation to this matter and I do not have a Lawful Development Certificate before me to confirm this view. In any event, whilst this may or may not be the case, I nonetheless have a Section 78 appeal before me that I must consider on its own merits. This matter does therefore not alter or outweigh any of my above findings.
8. For all of the above reasons, I consider that the proposal would cause harm to the character and appearance of the area. The scheme therefore runs contrary to Saved Policies D.2 and D.4 of the Bath and North East Somerset Local Plan (including minerals & waste policies) (2007). In summary, these policies seek to ensure that new development: maintains the character of the public realm; is of high quality design; and responds to its local context in terms of (amongst others) appearance, siting, spacing and layout.

Conclusion

9. For the reasons given above and having regard to all other matters raised, the appeal is dismissed.

Jonathan Manning

INSPECTOR