
Appeal Decision

Site visit made on 17 February 2017

by Katie Peerless Dip Arch RIBA

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

Decision date: 28th February 2017

Appeal Ref: APP/V2255/C/16/3159910

Land and Buildings at Parsonage Farm, Painters Forstal, Faversham, Kent ME13 0EW

- 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 Mrs Rachel Brown against an enforcement notice issued by Swale Borough Council.
 - The enforcement notice, numbered 16/500318/CHANGE, was issued on 2 September 2016.
 - The breach of planning control as alleged in the notice is: front dormers have been constructed that do not match in terms of overall size and design the details as submitted and approved on Drawing No. BRW-0413-011, Revision B Dated April 2013 Sheet 2 of 2 of planning reference SW/13/1272, copies of which are attached to the enforcement notice.
 - The requirements of the notice are remove the unauthorised dormer windows or construct the dormer windows fully in accordance with the details, sizes and designs as shown on Drawing BRW-0413-01 Revision B Dated April 2013 Sheet 2 of 2 of planning permission SW/13/1272.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. The appeal is allowed insofar as it relates to the 2 outermost dormers in the front roof slope, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for this part of the development as already carried out, namely the erection of 2 dormers on a building at Parsonage Farm, Painters Forstal, Faversham, Kent ME13 0EW referred to in the notice.
 2. It is therefore directed that the enforcement notice be varied by the deletion of the allegation and its replacement with the following words: *'the construction of a central front dormer that does not match in terms of overall size and design the details as submitted and approved on Drawing No. BRW-0413-011, Revision B Dated April 2013 Sheet 2 of 2 of planning reference SW/13/1272, copies of which are attached to the enforcement notice'*. It is also directed that the requirements of the notice be varied by the deletion of the words *'dormer windows'* and their replacement by the words *'central dormer window'* and that the time for compliance is varied from 6 to 9 months.
 3. The appeal is dismissed and the enforcement notice is upheld as varied, insofar as it relates to the central dormer and planning permission is refused for this part of the development.
-

Main Issue

4. I consider the main issue on ground (a) is the effect of the dormers on the character and appearance of the host building and its context within the surrounding area.

Site and surroundings

5. The appeal property is a detached dwelling in countryside which is within the Kent Downs Area of Outstanding Natural Beauty (AONB). It was formerly a single storey bungalow that has now been converted into a larger chalet style house by the addition of rooms in the roof space and a rear extension. Planning permission was granted for additions to the property under reference SW/13/1272 but the works have not been carried out as approved. There are 3 new roof dormers on the front elevation that serve 2 bedrooms and the stairwell and these are larger and of a different design to those approved. Other differences include the design of the front entrance porch that has a gabled roof rather than the hipped version shown on the approved plan and different fenestration on the front elevation.

Reasons

Ground (a)

6. The Council has enforced only against the dormer windows, considering that they are overly large and out of scale with the property, thereby damaging its original simple rustic character and creating an intrusive appearance. For these reasons, it is claimed that harm is being caused to the character of the Kent Downs Area of Outstanding Natural Beauty, contrary to saved policies E1, E9, E19 and E24 of the Swale Borough Local Plan 2008, and to the Council's adopted Supplementary Planning Guidance (SPG) on domestic alterations that is referred to in paragraph 3.71 of the Local Plan.
7. The dormers have been constructed with gabled roofs whose ridges run back to meet the main ridge of the house roof rather than the hips shown on the plans. They are larger than approved in both height and width and set higher up in the roof slope. The approved plans also show the dormers as all being the same size but the central addition as built is larger than the 2 side dormers and has different fenestration. It also cuts into the side of the porch roof.
8. It seems to me that the combination of the unauthorised alterations within the roof slope has resulted in poorly designed scheme that is out of scale and fails to respect the character of the original low-key bungalow. The planning permission has allowed additional bulk within the roof slope, but the enlargement of the permitted 3 dormers has now given the building a top-heavy appearance. The detail between the middle dormer and the porch roof is poorly thought out and awkward and detracts from the overall appearance of the house. These details represent a poor standard of design that also causes harm to the wider setting of the property, where it now appears more intrusive than was originally envisaged in this countryside location within the AONB.
9. The scheme as built therefore conflicts with policy E24 (1) and (2) which require alterations and extensions to be of a high quality design and to be in scale with the building's surroundings and its individual details. It also fails to meet the requirement of policy E19 (8) as the changes are not appropriate to their context, with respect to their scale and massing.

10. I recognise that none of the dormers meet the dimensional guidance set out in the SPG. However, when seen in context with the gable end to the porch, the design of their roofs appears appropriate. I also consider that the 2 outermost additions remain in proportion to the roof and the difference between these and the approved versions are not sufficiently harmful in themselves to warrant the requirement that they should to be altered to match those granted planning permission. To my mind, it is the central dormer that is causing the worst of the impacts noted above and it is this that requires to be addressed.
11. Through this appeal, I am only able to grant planning permission, in whole or in part, for the scheme enforced against as there are no other proposals before me. I will therefore grant planning permission under the appeal on ground (a) for the 2 outermost dormers but refuse it for the central dormer. Although the appellants say that the dormer needs to be the size that it is in order to meet the height requirements of the Building Regulations above the staircase, I saw at the site visit that it would be possible to reduce the size of the dormer whilst still being able to provide a staircase with sufficient headroom.
12. I realise that this could possibly leave the building with dormers of unequal sizes and designs if the appellant decides to install the central dormer as approved. However, in my opinion, a smaller central dormer would still be preferable to that existing at present. Nevertheless, now that the outer dormers are authorised, the appellants could consider seeking planning permission from the Council for a central dormer that is the same size and design as the 2 outer ones.

Ground (f)

13. The reasons given by the appellants to support the appeal on ground (f) (that the requirements of the notice are excessive and would not serve to remedy the injury to amenity) are more relevant to the appeal on ground (a) which I have dealt with in preceding paragraphs. Neither do they explain why the requirement to comply with the planning permission or return the roof to its condition before the works took place go beyond what would be required to remedy the breach of planning control. The only 'lesser steps' suggested are allowing the appeal on ground (a).
14. I have noted that the appellant may have financial difficulties in rebuilding the dormers, and that complying with the requirements of the notice will entail some disruption to the living conditions of the occupants of the building, but these are not matters to which I can give great weight in this appeal. I realise that the alterations to the permitted proposals may have been carried out inadvertently but this does not outweigh the identified harm. The appeal on ground (f) consequently fails.

Ground (g)

15. The appellant asks for up to 12 months to comply with the notice, rather than the 6 months suggested by the Council. I have reduced the scope of the requirements and I do not find that 6 months would be an unreasonable amount of time to remove or alter the central dormer. However, I recognise that more time might be needed to apply for planning permission if the appellant wanted to replace the central dormer with one that matches the others. To this end, I will allow a period of 9 months for the process and will vary the enforcement notice accordingly. The appeal on ground (g) succeeds to this extent.

Katie Peerless

Inspector