

## Appeal Decision

Site visit made on 13 March 2017

**by David Cross BA (Hons), PGDip, MRTPI**

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

**Decision date: 11 April 2017**

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**Appeal Ref: APP/C2741/D/16/3162946**  
**31 White Cross Road, York, YO31 8JR**

- 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 Paul Raine against the decision of City of York Council.
  - The application Ref 16/00310/FUL, dated 7 February 2016, was refused by notice dated 13 May 2016.
  - The development proposed is the addition of front and rear dormer windows to an existing loft conversion including re-roofing of the existing roof.
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### Decision

1. The appeal is dismissed insofar as it relates to the front dormer windows. The appeal is allowed insofar as it relates to the rear dormer windows and planning permission is granted for addition of rear dormer windows to an existing loft conversion including re-roofing of the existing roof at 31 White Cross Road, York, YO31 8JR in accordance with the terms of the application, Ref 16/00310/FUL, dated 7 February 2016, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan; Proposed Rear Side Elevation (Mar 2016); Proposed Rear Side Elevation 2 (Jan 2016); and Proposed Rear Elevation 2 (Jan 2016).
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Main Issue

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

### Reasons

3. The appeal property is located within a terrace extending along White Cross Road. The roofs of the terrace and the one opposite are largely unaltered, which gives the roofscape to the front of the terraces a simple uncluttered appearance.
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4. The proposal includes the erection of a dormer window on the front of the property which extends across a significant area of the roof slope. This front dormer would be a prominent feature that would dominate the front elevation of the property and would detract from the relatively uniform and uncluttered appearance of the roofscape to the front of this terrace. It would be readily visible in views along the terrace and would be an incongruous feature detracting from the character and appearance of the property and the terrace as a whole. The proposal therefore conflicts with the advice of the Council's Draft House Extensions and Alterations Supplementary Planning Document 2012 (SPD) which states that dormers will appear out of place on the front roof slope of most two-storey houses unless they are very modest in size and are characteristic of the street.
5. In support of the appeal my attention has been drawn to dormer windows of a similar design erected on 10 and 19 White Cross Road. However, I note that the Council have confirmed that these dormers were permitted prior to the approval of the SPD and were therefore not assessed under the provisions of current advice. Furthermore, I do not consider that these permissions should justify a further erosion of the character of the street scene that would arise from the appeal proposal.
6. I have also been referred to dormer windows elsewhere within view of the appeal site. However, I saw that these windows have been erected as an integral element of a more recent housing development and are therefore not directly comparable to the proposal before me.
7. I have considered the Council's argument that the current proposal would set a precedent for similar development in the street. Whilst each application must be treated on its individual merits, I can appreciate the Council's concern that approval of the front dormer could be used in support of similar proposals. Due to the modest scale of neighbouring houses, it is probable that other residents would wish to similarly extend their properties. Allowing this appeal in relation to the front dormer would make it more difficult to resist further planning applications for similar developments, and I consider that the cumulative effect would exacerbate the harm I have described above.
8. The proposal also includes a flat roofed dormer to the rear. The Council have raised no concerns in relation to this element of the scheme and state that it could be constructed as permitted development. However, I must determine this appeal on the basis of the proposal before me. I saw that the roofscape to the rear of the terrace has a more complex character than that to the front, with gable roofs of rear offshoots breaking up views of the rear roof slope. Within this context I consider that the rear dormer would not detract from the character or appearance of the area.
9. Notwithstanding my comments in relation to the rear dormer window, this does not outweigh my findings in relation to the front dormer window which I conclude would harm the character and appearance of the area for the reasons set out above. The proposed front dormer would therefore conflict with Policies GP1 and H7 of the Draft Local Plan<sup>1</sup> which state that extensions should be of design and scale which are appropriate for the main building and the locality.

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<sup>1</sup> City of York Draft Local Plan Incorporating the 4<sup>th</sup> set of changes, Development Control Local Plan 2005.

### **Other Matters**

10. I have had regard to the comments raised by nearby residents in relation to the construction of the proposal and the effect on adjacent properties. However, these issues are private matters between the parties or are addressed by Building Regulations and do not fall within the remit of this appeal.

### **Conclusion**

11. For the reasons given above, I conclude that the appeal is dismissed insofar as it relates to the front dormer windows and allowed insofar as it relates to the rear dormer windows.

### **Conditions**

12. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. In order to protect the character and appearance of the area I have also imposed a condition requiring that external materials used in the construction of the rear dormer match those of the existing building.

*David Cross*

INSPECTOR