

Appeal Decision

Site visit made on 7 February 2017

by Richard McCoy BSc MSc DipTP MRTPI IHBC

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

Decision date: 24 April 2017

Appeal Ref: APP/W5780/D/16/3162956
104 Herent Drive, Clayhall, Ilford IG5 0HQ

- 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 Dewan Khan against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3067/16, dated 27 June 2016, was refused by notice dated 22 August 2016.
 - The development proposed is a rear projecting floating dormer window.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 6 March 2017

Decision

1. I dismiss the appeal.

Main Issue

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

Reasons

3. No. 104 is a semi-detached house located in a predominantly residential area. The loft of the dwelling has in the past been converted to domestic accommodation at which time a large dormer was added. Proposed is a box dormer window to the rear roof slope measuring around 1.5 x 1.7 metres.
 4. I note that the Council considered that the proposal would not be harmful to the living conditions of the occupiers of nearby dwellings and from my assessment I have no reason to disagree. However, the Council is concerned that the proposed dormer would harmfully detract from the street-scene.
 5. Given its modest proportions and discreet position, the proposal would not be readily seen from any public thoroughfare. Taken on its own merits, I do not consider the proposal to be out of scale and character with the host building or the surrounding area, particularly given the array of rear dormers to be seen on nearby dwellings. The Council however points to a breach of Policy BD5 of the adopted Borough Wide Primary Policies Development Plan Document 2008 (DPD).
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6. This states that planning permission will only be granted for extensions to existing residential properties where dormer windows do not dominate the existing roof profile (rear dormers do not occupy more than 40% and side dormers 25% of the roof face), nor rise above or break the existing ridgeline or hip of the roof, are set in approximately one metre from each boundary and the eaves are finished in materials to match the existing roof.
7. In this instance, the proposal would not rise above or break the ridge line nor would it stand within 1 metre of the boundary. It would however be positioned within 1 metre of the existing dormer. Moreover, the Council points out that although the proposal would take up around 32% of the existing rear roof slope (i.e. what remains following the erection of the existing dormer) when taken cumulatively with the existing dormer, around 73% of the roof face would be occupied.
8. I note the appellant's arguments that DPD Policy BD5 does not use the word "cumulatively" and that the main rear roof slope of the original house contains a large permitted development dormer that contributes to the character of the house and is significantly larger than what would be permitted by Policy BD5.
9. However, the Policy does refer to dormer windows and in this instance the proposal along with the existing dormer would occupy more than 40% of the roof face. As such, the proposal would contribute to the rear dormer windows dominating the existing roof profile, to the detriment of the character and appearance of the host building, and of the surrounding area.
10. Accordingly, although in terms of the criteria of Strategic Policy 3 of the adopted Core Strategy (which seeks to ensure that the Borough's built environment will be of a high quality that serves the long-term needs of all residents) the proposal would be acceptable, as it would breach the terms of DPD Policy BD5 it would also fail to accord, when taken in conjunction with the existing rear dormer window, DPD Policy BD1. This states that to gain planning permission, a development proposal must, inter alia, be compatible with and contribute to the distinctive character and amenity of the area in which it is located, be of a building style, massing, scale, density and design appropriate to the locality and contribute to local architecture and design quality.

Conclusion

11. While I have found that the proposal would not harmfully change the living conditions of the occupiers of nearby dwellings, this consideration would not outweigh the other harm I have identified. Accordingly, for the reasons given above, I conclude that the appeal should be dismissed.

Richard McCoy

INSPECTOR