

Appeal Decision

Site visit made on 28 March 2017.

by G Powys Jones MSc FRTPI

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

Decision date: 24 April 2017

Appeal Ref: APP/C1625/D/17/3168936

2 Dryleaze, Wotton-Under-Edge Gloucestershire, GL12 7AS

- 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 Richard Anderton against the decision of Stroud District Council.
 - The application Ref S.16/2360/HHOLD, dated 26 October 2016, was refused by notice dated 13 December 2016.
 - The development proposed is a loft conversion.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on: (a) the character and appearance of the host property and its surroundings, and (b) on neighbouring privacy.

Reasons

Character and appearance

3. The appeal property is one of 6 detached dwellings set out in a row on a common building line in this part of Dryleaze. All display the design characteristics of dwellings built during the 60's/70's. Beyond the row, Dryleaze turns at a right angles so that the rear of other Dryleaze properties are clearly apparent from the appeal site. The rear windows of some properties in Bradley Street, which falls within the nearby boundary of the Wotton-Under-Edge Conservation Area (CA), also look out towards the appeal property.
 4. The current scheme represents a modified resubmission of a previously refused application. The rear dormer, the principal external feature of the proposed loft conversion or roof extension is lesser in volume than before, but its length is similar, extending virtually the full width of the roof. It also has a flat roof set just below the ridge.
 5. None of the rear roofs in the row of 6 in this part of Dryleaze has been materially modified. The roofs are therefore in virtually the same visual condition as when they were built. They present a unified appearance when viewed from other neighbouring properties, and in the public realm when viewed through the gap between Nos 6 and 7 Dryleaze.
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6. Although I fully understand the appellant's desire to achieve a standard headroom throughout the internal spaces created, it comes at an unacceptable visual price. The dormer, to my mind, in view of its shape and size, would have a crude and utilitarian appearance, and in an otherwise largely unspoilt roofscape it would appear ugly and incongruous.
7. A successful appeal could also encourage others in Dryleaze to pursue similar proposals which the Council would find difficult to resist. Although precedent seldom represents a sufficient reason for refusal, in itself, in this case it serves to underline my concerns that a harmful development such as proposed, if allowed, could and probably would lead to wider visual harm.
8. I conclude that the design of the proposed loft conversion would harm the character and appearance of the host dwelling and its surroundings contrary to the provisions of policy HC8 of the Stroud District Local Plan (LP) requiring the form and design of extensions to be in keeping with the character of the dwelling to be extended, and its wider setting.

Living conditions

9. During my site visit to the property I looked out from a rear bedroom window and saw that extensive views were obtained into several neighbouring rear gardens. Accordingly, I do not share the Council's view that the proposed development would '*promote*' overlooking or unacceptably affect privacy, since gardens in the area are already mutually overlooked and are not particularly private. Moreover, one of the windows in the proposed loft extension would be obscurely glazed.
10. I therefore conclude that the development would not unacceptably affect the living conditions currently enjoyed by neighbouring residents, by specific reference to privacy. Accordingly, no conflict arises with LP policy ES3(1) which provides that permission will not be granted to any development which would be likely to lead to, or result in unacceptable loss of privacy.

Other matters

11. The appellant asserts that the development would fall to be regarded as permitted development were it not for the fact that the property lay with an area designated as an Area of Outstanding Natural Beauty (AONB), and that the Council does not contend that the proposal would harm the beauty of the wider landscape.
12. That may well be the case, but planning permission is required for the proposal and my determination has been made, as required, having regard to the development plan and other material considerations. That the wider Cotswolds landscape may not be materially affected does not justify granting permission for a development that harms the visual amenities of its immediate surroundings.
13. The appellant has also pointed to examples of other '*similar*' dormer extensions in the settlement. I have not been made aware of the full circumstances of the examples provided, but the design and appearance of those illustrated does not persuade me that one example of poor design justifies another. However, I saw that dormers were not a wholly unusual type of construction in Wotton

even within the CA, but most of those that I saw were of a far lesser scale than currently proposed and more skilfully designed.

14. All other representations made have been taken into account, including the views of the Town Council and a local resident, but no other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

Overall conclusions

15. I find for the appellant on the second main issue identified at the outset, that relating to neighbouring privacy. However, I find against him on the other main issue, the effect of the development on the character and appearance of the host property and its surroundings. This is sufficient reason to dismiss the appeal.

G Powys Jones

INSPECTOR