
Appeal Decision

Site visit made on 10 April 2017

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 24 April 2017

Appeal Ref: APP/A5270/D/16/3164532
88 Mill Hill Road, Acton, London, W3 8JJ

- 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 Ms Shanti Babrah against the decision of the Council of the London Borough of Ealing.
 - The application Ref 165139HH, dated 5 October 2016, was refused by notice dated 30 November 2016.
 - The development proposed is single storey side/rear infill extension; rear dormer roof extension (involving conversion of roofspace to habitable use); and installation of two rooflights to front roofslope.
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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 host dwelling and whether it would preserve or enhance the character or appearance of the Mill Hill Conservation Area.

Reasons

3. The appeal site is located on Mill Hill Road and accommodates a two-storey terraced dwelling, which has a part single storey, part one storey rear outrigger. Mill Hill Road is residential and predominantly consists of two-storey terraced and semi-detached properties. The site falls within the Mill Hill Conservation Area (the Conservation Area).
 4. The proposal includes a single storey side/rear infill extension, a rear dormer window and two rooflights to front roofslope. The Council's Supplementary Planning Document 'SPD 4 Residential Extensions' (the SPD) is a material consideration that I consider carries significant weight. It provides guidance for residential extensions, including dormer windows. It states that '*Dormer windows should be designed so they do not appear unduly obtrusive or dominant. They should respect the character of the original dwelling and should not take up the entire area of a roof slope*'. Further, the SPD notes that dormer windows should be located at least 0.5 metres down from the ridge of the roof, at least 0.5 metres from the edges/sides of the roof and at least 0.5 metres above the eaves of the roof. In addition, it also sets out that in Conservation Areas, traditional designs (in terms of size, detailing and materials) of dormer windows are required.
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5. The Mill Hill Park Conservation Area Appraisal (2007) identifies that one of the threats to the Conservation Area is *'Bulky dormer windows at the rear, at the front and at the side of properties, that disrupt the original proportions and character of historic properties as well as the roofscape of the CA'* (Page 32). Continuing on from this, the Mill Hill Park Conservation Area Management Plan (2007) (the MHPCAMP) on Page 9 states: *'Inset dormer windows will usually be accepted on the rear roof slopes but only rarely on the front or the side. They should not dominate the roof slope. Dormer windows should be of traditional design. A roof shape in keeping with the original profile is preferred but a flat roofed dormer may be necessary in smaller or shallower roofs, to allow 500mm to the ridge, valleys and hips. All dormer windows should be finished with moulded eaves, cornices and timber fascias'*.
6. The rear dormer window in this case would be located within 0.5 metres of the ridge height and each end of the roof of the host dwelling. Whilst I acknowledge that 0.5 metres is a recommended distance, the purpose of the recommended distance is to avoid overly bulky and dominant dormer windows. The rear dormer window would take up a significant proportion of the roofscape. I consider that the rear dormer window due to its overall scale and bulk would be out of scale with the relatively modest host dwelling and would be an overly dominant feature. This would unacceptably disrupt the proportions of the host dwelling, to its detriment.
7. I observed that although the rear roofscape of the host dwelling is not highly visible from the surrounding area, views can nonetheless be gained from the existing development to the north / northwest, as well as from neighbouring properties. Consequently, the overly bulky and dominant rear dormer window would not be inconspicuous from the surrounding area. The proposed rear dormer window would therefore detract from the existing traditional appearance of the properties, particularly their roofspaces, within this part of the Conservation Area. As a result, I consider that the scheme would not preserve the character and appearance of the Conservation Area¹. I consider that the resulting harm from the scheme to the Conservation Area as a whole would be less than substantial. Consequently, the public benefits of the scheme need to be weighed against the harm. The proposal would result in improved living accommodation for the appellant, but in the absence of any more immediate public benefits, I consider that this is not sufficient to outweigh the identified harm.
8. I accept that the materials and window frames of the proposed rear dormer would match those of the host dwelling. However, this does not overcome my other concerns. In addition, I acknowledge that there are numerous other examples within 100 metres of the appeal site of rear dormer windows and therefore such features are to some degree relatively common in the immediate area. However, I have been provided with limited details in relation to each example. As a result, there is no evidence before me to suggest that the other examples do not comply with the guidance provided in the SPD or are unacceptable in terms of their effect on the host dwelling or the Conservation Area. In any event, I consider that it is not the principle of a rear dormer window on the host dwelling that is in dispute, but its proposed scale and bulk.

¹ Section 72 (1) of the Planning (Listed Building and Conservations Areas) Act 1990.

9. In conclusion on this matter, the proposal by virtue of its scale and siting would cause harm to the character and appearance of the host dwelling and would not preserve or enhance the character or appearance of the Conservation Area. Consequently, the scheme does not comply with Policies 7.4 'Local Character', 7.6 'Architecture' and 7.8 'Heritage' of the London Plan (2015) and Policies 7A 'Amenity', 7B 'Design Amenity' and 7C 'Heritage' of the Ealing Development Management Development Plan Document (2013). Further, the scheme does not comply with the guidance on dormer windows provided in the SPD and the MHPCAMP.

Other matters

10. The Council has not raised any concerns with regard to all other aspects of the proposal and I see no reason to take a different view. The appellant has not indicated that she would seek to implement the proposed single storey side/rear infill extension on its own. Therefore, I have not issued a split decision.
11. I accept that the rear dormer window would not cause harm to the living conditions of the occupants of neighbouring properties. However, the acceptability of the scheme in this regard does not overcome or outweigh the identified harm.
12. The appellant has raised concern in relation to some three storey apartment blocks that have been constructed on Gunnersbury Lane to the rear of the appeal site. However, matters associated with any overlooking or sense of enclosure of the existing appeal site from these developments does not fall within the remit of this appeal.

Conclusion

13. For the reasons set out above and having regard to all other matters raised, the scheme does not comply with the development plan when taken as a whole. The appeal is therefore dismissed.

Jonathan Manning

INSPECTOR