

Appeal Decision

Site visit made on 24 April 2017

by Michael Evans BA MA MPhil DipTP MRTPI

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

Decision date: 15th May 2017

Appeal Ref: APP/B1740/D/17/3168900
6 Castle Close, Milford-On-Sea SO41 0QB

- 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 Nigel Swann against the decision of New Forest District Council.
 - The application Ref 16/11280 was refused by notice dated 19 December 2016.
 - The development proposed is described on the application form as 'Loft conversion; rear facing dormer; front facing roof windows; side facing Juliet balcony.'
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are:
 - The effect on the character and appearance of the host building and locality.
 - The effect on the living conditions of the occupiers of the adjacent dwellings, with regard to overlooking.

Reasons

Character and appearance

3. The appeal concerns the first floor apartment in one of several similar two storey buildings. Despite the gaps to the sides the rear dormer extension would be relatively long with an undue horizontal emphasis and a fairly extensive flat roof. Moreover, it would abut the ridge of the main roof with a fairly minimal gap to the eaves below. In consequence, the addition would be poorly proportioned, overly bulky and excessively large. It would unduly detract from the pitched roof character of the building because of its box-like form and overly dominant nature.
 4. The Appellant suggests that the flat roof of the dormer addition would be in keeping with those of such features at recently built properties in Waters Edge. At my site visit, looking from the first floor of the host building broadly towards the south-east I saw a number of flat roof dormer additions in buildings. However, these tend to be of fairly modest scale with significant space around them on the respective roof slopes, including gaps to the ridge. As a result
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these existing features would be appreciably less dominant and bulky than that now proposed. I saw examples of dormer additions elsewhere in the vicinity but these are also generally reasonably modest in size and scale. In consequence, the proposed dormer extension would be unacceptably at odds with the general standard of development in the locality.

5. It is contended that because of its location at the rear, the dormer addition would have no effect on the streetscene. To my mind the suggestion that acceptability should be conferred on the basis of restricted visibility represents an implicit acknowledgement of the inappropriate nature of the development. However, even if not easily seen from any of the streets in the vicinity, due to the elevated roof level position it would be readily visible from a significant number of gardens and dwellings further to the east, especially from those nearby in Island View Close. From here the overly dominant nature of the addition would result in it appearing visually intrusive.
6. The loft conversion previously permitted at 8 Castle Close involved the insertion of rooflights and did not include any dormer extensions. As a result the visual impact of the development now proposed would be substantially different.
7. For the above reasons, it is concluded that the character and appearance of the host building and locality would be harmed. The development would not contribute positively to local distinctiveness, while also failing to be appropriate and sympathetic to its setting and not be well designed, contrary to these aims of New Forest District, outside the National Park, Core Strategy (CS), Adopted October 2009, Policy CS2.

Living conditions

8. The Council's report on the application indicates that the rear of the adjacent dwellings in Island View Close are at distances of 28 to 45m from the back of the host building. The space between buildings is also said to be about 25m in relation to 1 The Bywaters. As a result, any overlooking from the dormer extension and the new south facing window in the gable end would be sufficiently distant to prevent any unacceptable loss of privacy, despite their elevated position at second floor level.
9. The nearest rooflights to the first floor apartment at 4 Castle Close would be fairly small and high level. The larger velux windows would be at the more distant end of the front elevation with any views sufficiently acute to prevent any undue reduction in privacy.
10. Due to these factors, the living conditions of the occupiers of the adjacent dwellings would not be harmed by overlooking. As a result the proposal would comply with the aim of CS Policy CS2 to prevent such detrimental effects. I note that a previous appeal concerning 8 Castle Close was dismissed because of the effect on living conditions. However, this concerned a proposed balcony where the overlooking would have been noticeably more intrusive than in this instance due to the presence of people outside the apartment.

Other considerations

11. It is acknowledged that changes to the scheme were made after pre-application advice from the Council. The application was refused by the Planning Development Control Committee following a planning officer report that recommended approval of the application. Concern is also expressed by the

Appellant in relation to the Committee meeting itself. However, none of these matters, in themselves, including support from neighbours, confer acceptability on the proposal and I must consider this appeal strictly on its planning merits.

12. The Appellant suggests that if the host building was a house rather than two apartments then the proposal would not need planning permission. Nevertheless, in this instance there is no evidence of any fallback position concerning a permitted development scheme that would be carried out in the event of the appeal failing so that this matter is not a significant consideration. It is explained that the dormer would enable the necessary headroom to be achieved and comply with the Building Regulations. However, this would not justify acceptance of such a visually detrimental development.
13. It is indicated that the converted loft would provide accommodation for the Appellant's daughter and could meet a possible future need to accommodate a carer. Nevertheless, in this case the additional living space and fuller use of the property would be achieved at the undue expense of the quality of the built environment. I therefore consider that rejecting the appeal would be both proportionate and necessary given the harm that would result.
14. Moreover, I am reinforced in my view regarding the adverse impact and unacceptable nature of the development by the importance placed on design in the National Planning Policy Framework (The Framework). It is a core principle of the Framework that planning should always seek to secure high quality design. It is also indicated in the Framework that good design is a key aspect of sustainable development and is indivisible from good planning, which would not be achieved in this instance.

Conclusion

15. Despite the acceptability in relation to living conditions, because of the harmful effect on character and appearance and taking account of all other matters raised, it is determined that the appeal fails.

M Evans

INSPECTOR