

Appeal Decision

Site visit made on 9 May 2017

by Graham M Garnham BA BPhil MRTPI

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

Decision date: 2 June 2017

Appeal Ref: APP/W5780/D/17/3170706

10 Hollybush Close, Wanstead, London, E11 1PZ

- 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 David Shalam against the decision of London Borough of Redbridge Council.
 - The application Ref 4922/16, dated 17 October 2016, was refused by notice dated 13 December 2016.
 - The development proposed is retrospective application to change material of roof dormer cheeks and fascia from wall-hung tiles to zinc cladding.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Comments have been made about how the local planning authority has handled matters leading up to the appeal. These matters are beyond my remit, which is to focus on the planning merits of the proposal.
 3. The planning application form states that the development for which planning permission is sought was completed on 9 September 2016. The retrospective nature of the proposal does not affect my consideration of its merits.
 4. There is a difference of opinion between the appellant and the Council as to what the proposal comprises. The description in the summary above is taken from the application form. The decision notice describes it as "hip to gable roof alteration and rear dormer (retrospective)". This divergence arises from the recent planning history, which I need to summarise briefly.
 5. On 21 March 2015, the Council approved an application for a lawful development certificate at the appeal property (ref 0275/15). The description given on that decision notice is: "Loft conversion with rear dormer including hip to gable roof alteration to both sides. Two new windows to flank walls and two roof lights. (Summary)". This was certified as being permitted development in relation to specified provisions in the Town and Country Planning (General Permitted Development) Order 1995 (as amended) [the GPDO]. The accompanying drawings are clearly annotated to show that "wall
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- hung 'Rosemary' clay roof tiles" would be applied to the dormer cheeks, to match the existing roof.
6. A second lawful development certificate application was made (ref 2118/15). The description on the decision notice is similar. However, this application was refused (6 August 2015) on the grounds that the proposal did not constitute permitted development. The critical difference was the intention to clad the dormer cheeks with zinc (as annotated on the drawings), rather than tiles.
 7. This decision was appealed in September 2015. A start was made on the works, on the basis that the only matter in dispute was the cladding of the dormer. However, the appeal process took longer than the appellant expected. I am told the zinc was installed before the dismissal of the appeal was issued (21 March 2016, ref APP/W5780/X/15/3134785).
 8. The application giving rise to the present appeal was intended to regularise the situation. The appellant's case is that the development as built is permitted development (paragraph 5 above), except for the zinc cladding. Hence his proposal is limited to this matter. The Council's case is that, as the dormer has been finished in zinc, the development as a whole is not in accordance with the certificate, and is therefore not permitted development.
 9. I can see where both parties are coming from. However, there is one matter, not mentioned by either party, which is evident from the photographs on page 5 of the appellant's Design and Access Statement, and which was confirmed by my observations on site. This is that the dormer has not been built in exactly the same position as shown on both the approved and submitted drawings (no.s 645.172B & 645.172C respectively). Both drawings show a couple of rows of roof tiles between the base of the dormer and the eaves line of the main roof. The dormer as built goes beyond and below the eaves line, only a short section of which remains to one side.
 10. As it is stated that it is the dormer "as built" which the appellant wishes to retain, I shall give some attention to the dormer itself. However, as the loft conversion including the hip to gable alteration are not in dispute, I shall confine my attention to the dormer.

Main Issue

11. I consider that this is the effect of the proposal on the character and appearance of the property and its surroundings.

Reasons

12. The Inspector in 2016 was required to consider whether what was proposed was permitted development. The decision turned on whether, as required by the GPDO, the materials used were of similar appearance to those used in the existing house. "The visual impacts of the materials used will be the most important consideration" (op cit, paragraph 10). It was found that the relevant condition in the GPDO was concerned with materials achieving visual compatibility with the roof, not the lower parts of the house. This led to the conclusion that "the application of zinc to the sides of the dormer would bear no resemblance to the external appearance of the main roof" (paragraph 15). Thus the appeal was dismissed.

13. I regard this decision as being a material consideration for the present appeal.

The character and appearance of the proposal

14. The appeal house is described as being built in the early 20th century. It has a distinctive front facade, built in the Tudor revival style. This is similar to other houses in the Close, and seems to be largely intact. A flat roofed side extension is not entirely in keeping with the strong pitched roof forms of the host house, but it is largely hidden at the head of the cul-de-sac.
15. The rear of the house has been transformed by extensions and alterations. A two storey side extension (with a flat roof) has added considerably to the width of the house, and there is a single storey rear extension and a canopy area. These features are unified by the extensive use of glass on the ground floor; plain white render on all walls; and the apparent use of metal for window frames, fascia and the canopy.
16. The use of zinc on the dormer cheeks ties in with this palette of materials. However, it is at odds with the roof of the original house, and others nearby. It bears no resemblance to the appearance of these roofs. Other dormers I observed on comparable properties in the vicinity were much smaller in size. Zinc (or possibly lead) might have been used for the cheeks of some of these. Each was clearly subservient to the scale of the roof, and complementary to the character and appearance of its host house in terms of design.
17. In contrast to the appeal proposal, these examples correspond well with an extract of the Council's Supplementary Planning Document [SPD] *Household Design Guide* (2012) provided by the appellant. Among other things, this says that dormers should be kept as small as possible and be located symmetrically on the roof. The dormer proposed at no.10 would occupy most of the original roof slope and be asymmetrically positioned. I consider that it would give a top-heavy appearance to the host house, by virtue of its height and box-like shape, and dominate the appearance of the rear elevation. I consider that the dormer as built exacerbates these impacts.
18. The fact that a dormer as shown on the approved drawings is permitted development does not mean that it would be of acceptable design when planning permission is needed. Nonetheless, I agree with the appellant that the lawful development certificate he has (paragraph 5 above) does provide a fall back position. However, I do not accept his view that the use of tiles on the cheeks instead of zinc would appear discordant and add intrusive heavy bulk to the design. I consider that the discordant effect and bulky appearance come largely from the size, form and position of the dormer, not its finishes. It is true that the use of zinc gives some measure of consistency with the changes to the house below. But as it is the roof of the house that is most evident in views from outside the site, I consider that the effect on its character and appearance is an important consideration.
19. The appellant says that the zinc cladding is not readily visible from the neighbours' gardens. I found this not to be the case from the rear garden of no.6 Hollybush Close, from where both the material used and the form and scale of the dormer were readily visible. Views outwards from within the dormer suggest that this experience will be replicated from the rear of other properties. In addition, the dormer is clearly visible from the adjoining

Snaresbrook Station Car Park to the north, as well as from the platforms and within the trains. The size of the dormer and the use of zinc are evident from these private and public view points, as is the predominant use of small roof tiles and occasional small scale dormers on other houses in the vicinity.

20. Overall I conclude that the proposal would materially detract from the character and appearance of the property and its surroundings. Such an outcome would be contrary to Policy SP3 in the Redbridge Core Strategy (2008) and Policies BD1 & BD5 of the Redbridge Borough Wide Primary Policies document (2008). Among other things, these policies seek high standards of design that contribute to the distinctive character and amenity of an area, creating development of an appropriate scale for the locality that complements the character of the building, including in terms of scale, style, form and materials. Nothing in The London Plan policies cited by the appellant (7.4 & 7.6) causes me to come to a different conclusion.
21. I also consider that the proposal also falls short with respect to the National Planning Policy Framework requirement to seek to secure high quality design, and with respect to the Council's SPD. The latter, though, is guidance that is not to be applied too prescriptively.

Other considerations

22. The occupier of no.6 Hollybush Close says that the proposal has an overbearing visual impact and intrudes on privacy. It is certainly very visible, at an angle from within the rear garden. However, it is separated by the intervening property, and hence some distance away. Moreover, the glazed panels towards no.6 are opaque (providing light to an en suite), and views outwards from within the bedroom to the far end of the garden at no.6 are at quite an acute angle. Thus I consider that a perception of loss of privacy may be greater than the actual likelihood of overlooking. In addition, these impacts are little different from those likely to arise from the scheme that has been accepted as being permitted development (the fall back position).
23. Consequently, I find that the effect on neighbouring living conditions adds little material weight to my conclusion on the main issue.

Conclusion

24. I conclude overall that significant harm to character and appearance would arise from the proposal. No conditions have been suggested that could overcome this harm, and, on balance, I consider that the fall back position does not weigh decisively in favour of allowing the appeal.
25. Thus planning permission should be withheld and I dismiss the appeal.

G Garnham

INSPECTOR