

Appeal Decision

Site visit made on 15 May 2017

by Diane Fleming BA (Hons) MRTPI

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

Decision date: 14 June 2017

Appeal Ref: APP/E0345/C/16/3165346
84 Pell Street, Reading RG1 2NS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr David Kayani against an enforcement notice issued by Reading Borough Council.
 - The enforcement notice was issued on 4 November 2016.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a dormer extension to the second floor principal elevation of the dwelling house on the land.
 - The requirements of the notice are either 1) Take down and remove the unauthorised dormer extension on the front facing roof slope as shown in Photo B attached to the notice and restore the roof to its original condition; or 2) Alter the said unauthorised dormer extension so that it complies with the plan approved by planning application 150751 attached to the notice and marked as plan C; and 3) In either case make good any damage to the land as a result of the works carried out above and remove from the land all building and excess materials associated with the said works.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Procedural Matter

2. Whilst not raised as a ground of appeal, the appellant has nonetheless made submissions regarding works he has carried out to modify the dormer to reduce the harm caused by the development. These fall within ground (f) and I will deal with them as though raised by that ground. As the Council have responded to the issues in their Statement of Case there would be no injustice or prejudice to them by my course of action.

The ground (a) appeal and the deemed planning application

Main Issue

3. The main issue is the effect of the development on the character and appearance of the host building and the surrounding area.
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Reasons

4. The appeal concerns a two storey, end of terrace property situated on the corner of Pell Street and Sherman Road. At this point Pell Street is at the apex of a small hill and the properties on either side of the road are stepped following the contour of the hill. The line of the road is also curved and the layout of the houses follows this curve. This results in the staggered siting of some of the houses which adds visual interest to the attractive appearance of this residential area. One of the principal features of the road is the pronounced patterned brickwork on all of the houses. There are also unusually large dormer windows on many of the properties which often spring from the front elevation wall. In many cases the dormer windows are also highly decorated. The area has no particular designation by the Council but the design and layout of the houses has resulted in a very pleasant street scene.
5. The Council granted planning permission for the erection of a dormer on the front elevation of the appeal property on 12 June 2015. The approved plans show that the dormer would be set back slightly from the front wall of the house and that it would be no wider than the outside edge of the first floor windows. It would also be positioned below the height of the main roof ridge and would contain a single window that would be placed part way into the gabled roof of the dormer. The design of the window was to match those below with a single transom midway. The dormer was to be faced in brick and roofed in slate. The approved drawings contain the following two annotations: 'Dormer to be in keeping with rest of street' and 'Face brickwork to match existing'.
6. At the time when the notice was issued (as shown on photograph B) the appellant accepts that the dormer did not accord with the approved plans. He has since altered the appearance of the dormer and makes submissions that this is an improvement on what was approved. However, it is the appearance of the dormer at the time when the notice was issued that is the appeal before me now.
7. The Council are concerned about the size of the dormer and the execution of the detailing of its construction. I saw the width of the dormer appears to be no wider than the outside edges of the first floor window area. Many dormers in Pell Street are limited to this width and some are even narrower such as at No 74. The height is also set below the ridge of the main roof. However, one of the main differences in terms of its overall size though is the angle of the pitch of the dormer roof.
8. At the appeal site this angle is more flat than acute whereas the general pitch roof style along Pell Street is that of an acute angle. As a result the height of the dormer cheeks is noticeably greater than others along the street. This difference is accentuated by the fact that when the dormer was first built it had no decoration such as polychromatic brickwork and therefore the increase in size resulted in a top heavy appearance. This harmed the balanced proportions of the front elevation.
9. With regard to glazing, the appellant originally installed a modern window with a horizontal emphasis that had no lintel or cill. It had a side-opening casement and a top-hung light. This was completely at odds with the shape of the windows below and the traditional sash windows within the dormers of the rest of the street. Even though former sash windows have often been replaced in

the existing dormers, the new windows occupy the same size openings and lintels and cills have been retained thus preserving the character and appearance of the host buildings.

10. The appellant's modern window was also positioned lower down the face of the dormer whereas the location of the window towards the top of the dormer is the typical appearance of other dormers in the street.
11. Finally the dormer as originally built was rather plain as it had none of the embellishments found on other dormers along the road such as decorated bargeboards or polychromatic brickwork. I therefore consider its previous stark appearance, together with its increased size, resulted in an overly prominent development that contrasted with the eclectic mix of existing dormers that add to the vibrant character and appearance of the area.
12. The appellant submits that the existing dormers along the road vary in size, appearance and detailing such that it cannot be said that there is one prevailing 'look'. I find that the appearance of the existing dormers does vary but this is in response to the width and age of the houses and the treatment of the lower storeys. However, what is prevalent is the adherence to basic design principles such as scale and proportion and the dormer as built did not adhere to these.
13. For these reasons I conclude that the dormer, as built at the time when the notice was issued, resulted in harm to the character and appearance of the host building and the surrounding area. It therefore did not accord with Policy DM9 of the Council's Local Plan¹. This requires that extensions should respect the character and pattern of neighbouring properties in terms of design, amongst other matters. The appeal on ground (a) therefore fails.

The ground (f) appeal

14. The appeal on ground (f) is that the requirements of the notice exceed what is necessary to achieve the purpose. The purposes of an enforcement notice are set out in section 173 of the 1990 Act and are to remedy the breach of planning control (s173(4)(a)) or to remedy injury to amenity (s173(4)(b)). In this case the Council require that the dormer be either removed or re-constructed so that it accords with the approved plans. The purpose of the notice must therefore be to remedy the breach of planning control.
15. The appellant submits that he is unable to comply with the alternative requirement in the notice as the plans approved by the Council are inaccurate. A lesser step would be to accept the alterations he has already carried out which were painting the brickwork to mimic a pattern of polychromatic bricks and replacing the window so that its shape reflected those on the first floor of the building.
16. The Council submit that whilst the new window is welcome, the other alterations do not address the harm caused by the size and overall appearance of the development.
17. I consider that the notice states the minimum that needs to be done to remedy the breach of planning control. It appears that the Council has tried to be helpful by offering the alternative step of re-construction. However, it is not

¹ Reading Borough Local Development Framework Sites and Detailed Policies Document adopted October 2012

necessary to state this as it is open to the appellant to do this at any point if he is able.

18. I also consider painting the bricks and changing the window do not remedy the breach of planning control. This is because the breach of planning control is the action of erecting the dormer. The appellant's alterations would not undo that initial action and would not address all of the harm caused by the development as set out in the reason for issuing the notice. I therefore find that the steps required by the notice do not exceed what is necessary to remedy the harm caused and the appeal on ground (f) fails.

Conclusion

19. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

D Fleming

INSPECTOR