

Appeal Decision

Site visit made on 29 June 2017

by Ian McHugh Dip TP MRTPI

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

Decision date: 16 August 2017

Appeal Ref: APP/C4235/D/17/3170378
12 Moorfield Grove, Stockport, SK4 4BQ

- 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 IPEA Investments Ltd against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/064086, dated 1 December 2016, was refused by notice dated 21 February 2017.
 - The development proposed is Retention of Second Floor Dormer (Resubmission).
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Decision

1. The appeal is allowed and planning permission is granted for a second floor dormer at 12 Moorfield Grove, Stockport, SK4 4BQ, in accordance with the terms of the application Ref DC/064086, dated 1 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: P002 revision B (Existing and Proposed Site Plans); P009 revision A; P010 revision A; P011 revision B; P012 revision B and P013 revision A.
 - 2) Within 3 months of the date of this decision, the second floor dormer, hereby approved shall be fully clad in Welsh slate

Procedural Matter

2. The dormer extension has already been constructed. I have therefore dealt with the appeal in accordance with Section 73A of the Town and Country Planning Act 1990, for development that has already been carried out.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Heaton Moor Conservation Area (CA).

Reasons

4. The appeal property is an end-of-terrace dwelling, which is situated within an area of mixed land uses in the CA. The CA covers a relatively wide geographical area but, in the vicinity of the appeal site, it is largely characterised by densely built Victorian terraced properties, many of which have retained their original
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features and architectural detailing. Whilst some properties have second floor accommodation, flat roofed dormers are not common on properties close to the appeal building.

5. The appeal property has recently been refurbished, following a period during which it had fallen into disrepair and had been compulsory acquired by the Council. It was subsequently conveyed by the Council in 2015 to the appellant, who has carried out significant internal and external works in order to bring it back into use. These works include the erection of a dormer extension on the rear roof (the subject of this appeal).
6. The undisputed evidence before me is that the dormer replaces a similar structure that had been in place for over 30 years. The Council point out that planning permission had been refused for the original dormer. However, it is clear that no action was taken by the Council to enforce against the original dormer roof extension within the relevant time period and its existence, over the 30 years plus, is a material consideration, which I have taken into account in this decision. It was also a matter to which the Council's officer gave significant weight in the recommendation of approval to the Council's Planning Committee.
7. The appeal development is a flat roofed dormer, which covers the width of the rear roof slope and is level with the ridge of the roof of the original dwelling. Photographic evidence shows that it is comparable to the original dormer structure in terms of its size and appearance.
8. There is a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reflected in Policy HC1.3 of the Stockport Unitary Development Plan Review (UDP) and Policy SIE-3 of the adopted Core Strategy (CS). It is also reaffirmed in Section 12 of the National Planning Policy Framework (the Framework). In addition, Policy CDH1.8 of the UDP and Policy SIE-1 of the CS require residential extensions to complement the existing dwelling; and for development to be of a high standard.
9. In my opinion, the proposed dormer extension, which is visible from a number of vantage points, is at odds with the character and appearance of both the existing dwelling and the CA, because of its overall size and dominance. In that regard, the proposal conflicts with the provisions of the Development Plan and with the Framework, as referred to above.
10. I consider that the harm to the CA is less than substantial in the context of paragraph 134 of the NPPF. Consequently, it is necessary to consider whether the harm is outweighed by any public benefits that can be attributed to the proposal.
11. I acknowledge that the refurbishment works that have been carried out appear to be to a high standard and that there are considerable public benefits to bringing the dwelling back into a habitable condition. Prior to these refurbishment works, I have little doubt that the property, as a whole, was a significant detractor from the CA, because of its overall condition and appearance. The Council has, in my view, rightly encouraged the restoration of the property and the evidence shows that these discussions with Council officers included the replacement of the original dormer.

12. The matter is finely balanced and I have given full consideration to the objections submitted by members of the public. However, in the context of the above and the fact that the appellant has restored and improved a dilapidated dwelling (of which the replacement dormer was clearly an integral part of the works), I consider that the less than substantial harm, that I have identified above, is outweighed by the significant public benefits arising from the overall improvements to the property.

Conditions

13. These have been considered in the light of the advice contained within the Planning Practice Guidance. As the development has already taken place, there is no need to impose the standard condition regarding commencement of the works.
14. The applicant has suggested that the dormer could be re-clad in Welsh slate; that landscaping works could take place at the side of the dwelling; and that a payment could be made for enhancement work within the CA. In my opinion, the landscaping works and payment would not meet the relevant tests for either planning conditions or a planning obligation. However, I accept that the use of slate cladding would be more in keeping with materials used within the CA. I also note that the Council has suggested a condition that the external materials should match that used on the existing dwelling. Therefore, I have imposed a condition which requires the dormer to be clad in Welsh slate within 3 months of this decision.

Other Matters

15. Concern has been expressed by neighbouring residents that the proposal results in loss of privacy because of the position of the window, which faces towards the fronts of neighbouring dwellings and into the rear garden area of others. The Council considered this issue when dealing with the planning application and concluded that any overlooking would not be unduly harmful.
16. At my site visit, I was invited to view the proposal from neighbouring dwellings, at numbers 10 and 14 Moorfield Grove. Whilst the dormer extension is a highly visible structure, I am not persuaded that the degree of overlooking would be significantly greater than that which already takes place from the first floor of the appeal property. The separation distance and angular relationship between the appeal property and number 14 Moorfield Grove also limits the degree of overlooking. Accordingly, I do not find against the proposal for this reason.

Conclusion

17. For the reasons given above, it is concluded that the appeal should be allowed.

Ian McHugh

INSPECTOR