



Appeal Decision

Site visit made on 16 August 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 24 August 2017

Appeal Ref: APP/A0665/D/17/3176285
74 Overleigh Road, Chester CH4 7HW

- 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 & Mrs Dear against the decision of Cheshire West & Chester Council.
 - The application Ref 17/01272/FUL, dated 15 March 2017, was refused by notice dated 12 May 2017.
 - The development proposed is the reduction of the existing rear dormer to create two reduced rear dormers.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character and appearance of Handbridge Conservation Area.

Reasons

3. Handbridge Conservation Area covers the historic core of the village to the south of the River Dee arranged around Overleigh Road, Handbridge and Eaton Road up to respective junctions with River Lane, Queens Park Road and Appleyards Lane. The character and significance of the Conservation Area is derived from its historic street pattern and buildings, including distinct terraced rows along Overleigh Road consisting of individual properties with a broad consistency of traditional form, style, proportions and original roof forms facing the road, despite some minor variations in roof materials and the intermittent presence of rooflights.
4. The appeal property is a two storey mid terraced dwelling with attic consisting of brick walls and slate roof and a single storey rear extension. It lies within a terraced row on the northern side of Overleigh Road that has a characteristic stepped ridge height which follows an increase in land levels toward the east from the western entrance into the Conservation Area. The property, both individually and as part of the terraced row visible from Overleigh Road, Browns Lane and Powells Orchard, makes a positive contribution to the character and significance of the Conservation Area, notwithstanding the presence of the varied character of flats, semi-detached houses and lock up garages immediately to the north. The property is not statutorily listed, but is subject to an Article 4 direction which withholds permitted development rights.

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 131 of the National Planning Policy Framework (the Framework) requires that account be taken of the desirability of sustaining and enhancing the significance of heritage assets, and of new development making a positive contribution to local character and distinctiveness. Paragraph 132 of the Framework states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation. The Framework also makes it clear that significance can be harmed or lost through alteration of a heritage asset or development within their setting.
6. A previous appeal decision¹ has been drawn to my attention which related to a loft conversion, including the rear dormer that remained in-situ at the time of my visit. The previous Inspector granted permission for two rooflights to the front roofslope but concluded that the existing rear dormer is harmful. In seeking to address the concerns of the previous Inspector, the appellant has proposed a revised scheme which would retain the two rooflights to the front roofslope and introduce two new dormers and a single rooflight to the rear roofslope of the property.
7. The Chester City Council House Extensions Supplementary Planning Document (SPD), adopted July 2006, provides specific guidance relating to dormer extensions. It states that dormers should be positioned and designed to minimise their effect on the appearance of the property and the street scene and provides specific criteria relating to good design and privacy. The proposed dormers would be confined to the rear and clad in materials to match the existing roof in accordance with the SPD. However, the design of the two rear dormers would depart from the guidance criteria in the SPD. To achieve sufficient internal height for the occupants the dormers would consist of part flat roof sections extending from the ridge of the main roof prior to a sloped section linking to a casement window of similar position, materials and proportions to the existing first floor window below. The dormers would also closely align with the main rear wall of the dwelling house with the eastern dormer close to the party wall with a neighbouring property.
8. The resultant scale, design and position of the rear dormers would be viewed as unduly dominant, bulky and incongruous additions that would detract from the traditional character and appearance of the property and those surrounding to either side. The harmful visual effect would not be mitigated by the use of similar fenestration to the main property and would be emphasised by the contrast with the rhythm of original roof forms of surrounding terraced properties that are unaltered. Although the harmful effect would not be visible from Overleigh Road, the dormers would be observed as a prominent and harmful feature of the terrace from public vantage points on Browns Lane and Powells Orchard.
9. In reaching the above findings, I have taken into account that the two rear dormers would replace the existing rear dormer that extends across almost the entire roofslope and in doing so, would reinstate almost half of the original roof slope. However, I afford no weight to the effect of the proposed dormers in

¹ APP/A0665/W/16/3143699 (also includes APP/A0665/C/16/3144174 & 3144242) - 4 November 2016

that respect, given that the existing rear dormer is unauthorised and subject to enforcement action. The front rooflights were granted retrospective planning permission via the previous appeal decision and the rear rooflight would not appear out of place within the Conservation Area as similar rooflights are an established feature of some properties nearby. However, the absence of harm in that respect is a neutral factor.

10. The harm caused would be significant in terms of the rear elevation of the host property and the surrounding terrace. However, the harm would be localised to public vantage points on Browns Lane and Powells Orchard, where a mixed character of surrounding buildings including flats, semi-detached houses and lock up garages are also visible. Consequently, the proposal would result in less than substantial harm to the significance of Handbridge Conservation Area as a whole. In such circumstances, paragraph 134 of the Framework requires that the less than substantial harm be weighed against any public benefits.
11. The benefits suggested are that the proposal would secure the optimal viable use of the building through the conversion of the roofspace and increased living space for the appellant's family who wish to remain in the local area close to local services and facilities including schools. However, those are private benefits. There would be short term economic benefits during construction. Nevertheless, any public benefits in that respect would be limited based on the scale of development proposed. When taken in cumulative, the public benefits do not outweigh the great weight given to the conservation of Handbridge Conservation Area and the less than substantial harm to its significance which I have identified.
12. I conclude that the development would have a harmful effect upon and, therefore, fail to preserve or enhance the character and appearance of the Handbridge Conservation Area. The proposal would, therefore, conflict with Policy ENV 5 of the Cheshire West & Chester Council Local Plan (Part One) Strategic Policies, adopted January 2015 and Saved Policies ENV 37 and HO 8 of the Chester District Local Plan, adopted May 2006, and the associated guidance in the SPD. When taken together, the policies seek to ensure that development preserves or enhances both designated and non-designated heritage assets relative to their character and setting in accordance with their significance. The policies are consistent with the Framework.

Other Matters

13. The Council have indicated that the proposal would not have an unacceptable impact on the living conditions of occupiers of neighbouring properties. Based upon the evidence before me and my observations of the site and its surroundings, I have no reason to take a different view. However, the absence of concern in that respect is a neutral factor.

Conclusion

14. For the reasons set out above and having taken all other matters into account, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR