
Appeal Decisions

Site visit made on 16 August 2017

by J Gilbert MA (Hons) MTP MRTPI

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

Decision date: 05 September 2017

Appeal A Ref: APP/J1915/D/17/3170056

8 Millbrook Court, Collett Road, Ware SG12 7JN

- 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 Ms S Missett against the decision of East Hertfordshire District Council.
 - The application Ref 3/16/2744/HH, dated 12 December 2016, was refused by notice dated 2 February 2017.
 - The development proposed is described as "rear dormer loft conversion."
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Appeal B Ref: APP/J1915/D/17/3176009

8 Millbrook Court, Collett Road, Ware SG12 7JN

- 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 Ms S Missett against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/0447/HH, dated 21 February 2017, was refused by notice dated 19 April 2017.
 - The development proposed is described as "rear dormer loft conversion, 3no front velux windows & 1no rear velux window and new window to side gable."
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Decisions

Appeal A Ref: APP/J1915/D/17/3170056

1. Appeal A is dismissed.

Appeal B Ref: APP/J1915/D/17/3176009

2. Appeal B is allowed and planning permission is granted for a rear dormer loft conversion, 3no front velux windows & 1no rear velux window and new window to side gable at 8 Millbrook Court, Collett Road, Ware SG12 7JN in accordance with the terms of the application, Ref 3/17/0447/HH, dated 21 February 2017, subject to the following 3 conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 08/01A, 08/02A, 08/03A and unnumbered Block and Location Plans.

- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plans 08/02A and the application form.

Procedural Matter

3. As set out above, there are 2 appeals on this site, referred to as Appeal A and Appeal B. They differ only in respect of the size and design of the proposed rear dormer window extensions. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the 2 schemes together, except where otherwise indicated.

Main Issue

4. The main issue in both Appeals A and B is whether the proposed development would preserve or enhance the character or appearance of the host dwelling, the street scene, and the Ware Conservation Area.

Reasons

5. Ware Conservation Area covers Ware's historic centre, which has a mixed character with buildings dating from the 15th century to the present day. Much of Ware's history and character was formed by the malting industry. The appeal site lies within the northern Character Area 3 (Area 3) identified in the Ware Conservation Area Appraisal and Management Plan 2016. This appraisal notes that a large central part of Area 3 consists of neutral quality 20th century buildings of limited architectural or historic interest located on the former sites of 19th century malthouses. The 1874 map (Plan 1 of the appraisal) confirms that the appeal site lies within an area previously occupied by malthouses.
6. The appeal property was built as part of a modern mews development and is adjacent to other relatively modern development, including Hartfield Court. Millbrook Court consists of steeply roofed terraced and flatted two-storey properties. The buildings are brick, with rendered and boarded projections at first floor level to the front and rear. There are no existing rooflights or dormer windows to the large roofslopes of Millbrook Court. The appeal site lies at a lower level than neighbouring Hartfield Court and Hartfield Close.
7. Appeals A and B both propose the erection of a rear dormer window, 3 front rooflights and 1 rear rooflight, and an arched window at roof level within the side gable wall of 8 Millbrook Court. The Council made no reference to the arched window in their officer report on Appeal A, but it is clear from the evidence before me that it is part of both appeals. The only difference in the 2 appeals relates to the dimensions of the rear dormer extension and its window. Appeal A proposes a pitched roof rear dormer extension which is taller and wider than the pitched roof rear dormer extension which is part of Appeal B. Additionally, the proposed window to the rear dormer extension is wider in Appeal A than Appeal B.
8. Permitted development rights were restricted on the original planning permission for the development (Ref 3/00/0751/FP). The removal of permitted development rights related to Classes A, B and E in relation to development within the curtilage of a dwellinghouse.
9. For Appeals A and B, the Council's concerns are centred on the proposed dormer window extensions' size, scale and siting in relation to the host

dwelling, the street scene, and the wider Conservation Area. Although either of the proposed dormer window extensions would be visible from Hartfield Court and Hartfield Close and other adjacent residential developments within the Conservation Area, I do not consider that they would appear incongruous within the wider development at Millbrook Court and they would not be highly visible from public vantage points given the site's position at the end of the terrace, the high boundary wall to the appeal property's garden and the topography of the site. As such, I do not consider that the erection of a rear dormer window would cause harm to the street scene and the character and appearance of the Conservation Area as a matter of principle.

10. The Council contends that the proposed rear dormer window extensions in Appeals A and B would not be compatible with the long expanse of uninterrupted roofslope to the terrace at Millbrook Court. Although there are no other dormers at Millbrook Court, neither dormer would be intrusive given its scale relative to the roof of the terrace as a whole and they would not dominate or detract from the property and its neighbours in distance views. The existing first floor projections have pitched roofs which break up the large roofslope. The proposed pitched roof rear dormer extensions in both appeals have been designed to relate well to these first floor gable projections and are generally modest relative to the wider terrace. As such, I do not consider that that proposed dormers within Appeals A and B would cause harm to the character and appearance of the Conservation Area and as such would preserve its significance.
11. However, when considering the finer detail of the proposed pitched roofed rear dormer extensions in Appeals A and B in relation to No 8 itself, the proposed dormer and its window in Appeal A would be wider and bulkier than the proposed dormer and its window in Appeal B. The larger dimensions of the window of the wider and bulkier dormer extension in Appeal A would not relate well to the smaller window within the first floor gable projection and the even smaller window serving the first floor bathroom directly below. Given its width relative to the windows on the first floor below, the proposed window to the dormer in Appeal A would appear overly large, would not be subordinate to the existing house and would cause harm to the character and appearance of No 8. The proposed dormer in Appeal B in contrast is narrower and shorter with a window no wider than the window in the first floor gable projection below. The scale of the proposed dormer in Appeal B would therefore respect the character and appearance of No 8.
12. The Council did not refer to the arched window proposed to the side gable wall in the Appeal A officer report, and stated that the proposed window would be non-contentious and could be obscure glazed in the Appeal B officer report. I do not disagree with the Council's assessment of the window in terms of its effect on the character and appearance of the host dwelling, the street scene, and the Conservation Area. However, given the distance from the appeal property to Hartfield Court properties, the difference in land levels between the two streets, and the positioning of the proposed window, I do not consider that obscure glazing would be necessary to render this window acceptable.
13. The Council considers that the proposed rooflights in both Appeals A and B would be acceptable. Given that the appellant proposes conservation rooflights which would be relatively small in scale and well-positioned on the front and rear roofslopes, I do not disagree with the Council's view in this regard.

However, I have not determined Appeal A as a split decision as the rooflights and window to the side gable wall are identical to those in Appeal B and I am allowing Appeal B. As such, I do not consider that this places the appellant at any disadvantage.

14. With regard to Appeal A, while there would not be harm to the wider street scene or the Conservation Area, I conclude that the proposed development would have a harmful effect on the character and appearance of the host dwelling. Consequently, it would be contrary to policies BH5, ENV1, ENV5, and ENV6 of the East Herts Local Plan Second Review (2007). Policy BH5 requires proposals to alter unlisted buildings in conservation areas to be sympathetic to their context. Policy ENV1 is a general policy which aims to secure a high standard of design in new development. Policy ENV5 sets out the general principles for extensions to houses, while Policy ENV6 contains criteria which should be met by domestic extensions, including dormer windows.
15. In respect of Appeal B, I conclude that the proposed development would have an acceptable effect on the character and appearance of the host dwelling, the street scene and the Conservation Area. Appeal B would therefore accord with policies BH5, ENV1, ENV5, and ENV6 of the East Herts Local Plan Second Review (2007). The aims of the policies are set out above.
16. The Council also refers to the pre-submission version of the East Herts District Plan, but the plan has not yet been examined and I consequently give it limited weight.

Other Matters

17. Although the Council expressed concerns regarding the effect of the proposals on the living conditions of neighbouring occupiers of Hartfield Court, this did not form a reason for refusal for either application. Nevertheless, at the Council's request, I visited both Nos 64 and 66 Hartfield Court. Neither bungalow has rear windows facing the appeal site. There is a narrow alleyway down the side of No 66, from which the appeal site can only be seen if the observer is sufficiently tall to see over the high brick boundary wall to No 66. The view is mainly of the side gable wall of the appeal property at some distance.
18. There is another residential block at Hartfield Court which lies directly opposite the appeal site. The windows of this block and the appeal property face one another. Given that this is already the case in terms of No 8's first floor windows, the further insertion of windows at roof level would not worsen the situation. I consider therefore neither Appeal A nor Appeal B proposals would have a detrimental effect on the privacy of neighbouring occupiers.
19. The neighbouring occupier at 7 Millbrook Court has raised concerns regarding the integrity of their roof and the insertion of a further staircase and the risk of noise transmission. Both of these matters would be addressed through Building Regulations.

Conclusion

20. For the reasons given above, and having taken into account all other matters raised, I conclude that Appeal A should be dismissed and Appeal B should be allowed.

Conditions

21. In relation to Appeal B, I have imposed conditions requiring that the development is carried out to a specific time limit and in accordance with the approved plans in the interests of certainty. In order to protect the character and appearance of the host dwelling, the street scene, and the Conservation Area, I have also imposed a condition requiring the external materials used in the construction of the rear dormer window, front and rear rooflights, and window to the side gable wall, to be compliant with the materials shown on plans and the application form.

J Gilbert

INSPECTOR