



Appeal Decision

Site visit made on 30 July 2019

by JP Roberts BSc(Hons) LLB(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2019

Appeal Ref: APP/Z0116/C/18/3217161

1 Claverham Road, Fishponds, Bristol BS16 2HT

- 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 Satpal Singh against an enforcement notice issued by Bristol City Council.
 - The enforcement notice was issued on 30 October 2018.
 - The breach of planning control as alleged in the notice is:
Without the grant of planning permission the construction of a side extension and the installation of a rear dormer extension to the pre-existing rear roof plane which adjoins the roofline of the side extension at 1 Claverham Road.
 - The requirements of the notice are:
Remove the rear dormer extension in its entirety and make good the roof line.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. It is directed that the enforcement notice be varied by the deletion of the period for compliance of 3 months, to be substituted by 6 months. Subject to this variation the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal on ground (a) – that planning permission should be granted

Main Issue

2. The main issue is the effect of the rear dormer on the character and appearance of the host dwelling, the street scene and the Stapleton and Frome Valley Conservation Area.

Reasons

3. The appeal site occupies a corner position at the junction of Claverham Road and Glaisdale Road. From the latter road the upper parts of the rear of the dwelling are clearly seen, along with the rest of the terrace of which it forms part.
4. The site lies in the south-eastern part of the widely drawn Stapleton and Frome Valley Conservation Area. The Council's Enhancement Statement briefly sets out the significance of the conservation area, which includes the landscape of the Frome River valley, a number of key historic buildings and the rural character of dwellings, gardens and estates dating from the 17th century in and

between the villages of Stapleton, Fishponds, and Frenchay. The appeal site lies between the historic part of Fishponds and the Frome River Valley to the north.

5. The appeal property, like those elsewhere in Claverham Road and Glaisdale Road, is a post-war two-storey dwelling, of no special architectural merit, which has been recently extended to the rear and side. Whilst the building itself is of little historic or architectural significance, I consider that Glaisdale Road, which runs alongside the side elevation of the property, plays a role in linking two parts of the conservation area which are of significance - Frome Valley to the north-west and the historic core of Fishponds. The spire of the listed St Mary's Church is clearly visible looking south east along Glaisdale Road, whilst the wooded valley sides of the Frome River are again clearly obvious looking north-west along the road. Without over-stating the role of these views, I nevertheless consider that they contribute to the understanding of the history of the conservation area.
6. The dormer in question extends almost to the ridgeline of the dwelling and fills much of the width of the roof slope, extending to just short of eaves level. The part of the dormer nearest the approved side extension is attached to it by extending the roof plane of that extension, resulting in a juxtaposition which appears awkward. The windows in the dormer are over-large and relate poorly to the windows in the rear elevation below it. The dormer is finished in white boarding, which is especially eye-catching, contrasting with the more muted cream-coloured render of the rest of the house.
7. I consider that the combination of the dormer's size and design results in an overly bulky addition, which relates poorly to the design of the extended house. It dominates the rear elevation of the dwelling and makes the house appear top-heavy. It is out of place in a terrace which is devoid of rear dormer extensions. For these reasons I consider that the dormer amounts to poor design, which results in significant harm to the appearance of the host building and the street scene.
8. The appeal site is conspicuous when seen from the south east along Glaisdale Road, because of its corner location and because Glaisdale Road slopes gently down towards and past the appeal site. When looking towards Frome Valley, the dormer appears incongruous and detracts from the views towards the wooded backdrop to the street. This results in some small harm to the appearance of the conservation area, thereby failing to preserve or enhance its character and appearance.
9. The dormer conflicts with advice in the Council's Supplementary Planning Document (SPD) No 2 *A Guide for Designing House Alterations and Extensions*, which warns against large box-type dormers, and instead seeks dormers which sit comfortably within the plane of the host roof and appear subservient to that roof, with a front elevation which is restricted to the glazed area and that necessary to achieve dormer cheeks, along with materials which generally reflect that of the building.
10. The appellant argues that the Council's SPD conflicts with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) which, outside of Article 2(3) land such as conservation areas, allows large dormers. The appellant also extends this argument by saying that as the appeal property has little or no heritage significance, the existence of

GPDO rights is a material consideration. However, the Government has imposed a specific restriction on permitted development rights in conservation areas, regardless of the intrinsic importance of the dwelling in question to the significance of the heritage asset. Moreover, the SPD provides sound design advice which is wholly consistent with the objective of the Revised National Planning Policy Framework to achieve good design and visually attractive developments. I therefore afford the SPD significant weight.

11. I noted that there are other dormer windows in the area, and, as well as those referred to in the appellant's statement, there is also what I take to be a new dormer on the rear of 85 College Road, not far from the appeal site. However, I do not know whether any of these dormers are lawful, and in any event, they are smaller and less prominent than the one subject of the notice and are in different terraces. They do not serve as good examples to emulate.
12. The harm that is caused to the conservation area is less than substantial. This must be weighed against the public benefits. The additional space is said to be needed to accommodate relatives and to provide for an extended family in the appellant's old age; whilst this benefit is mainly a private one, there are also some small public benefits in being able to care for older people as part of a family. There are also some modest benefits from retaining the dormer, avoiding the waste of materials and energy that went into its construction and that which would be expended in complying with the notice.
13. However, weighed against these benefits is the significant harm that I have found to the character and appearance of the conservation area. Whilst the harm may be less than substantial, having regard to the importance that is attached to the protection of designated heritage assets, I find that the modest benefits that would result from the retention of the dormer do not outweigh the harm to the conservation area.
14. The harm to the character and appearance of the host dwelling and the street scene is also significant, and this adds to my reasons for finding that the benefits of the development are not outweighed by the harm that I have found.

Other matters

15. The appellant has explained that the erection of the dormer resulted from an error relating to the approved plans which had been granted planning permission. I am therefore satisfied that the dormer is not intentional unauthorised development which might otherwise be a material consideration in the appeal.
16. The requirement of the enforcement notice to remove accommodation in a family home engages with the rights of the appellant and his family to respect for their family life and their home under Article 8, as well as the right to respect for property, under Article 1 of the First Protocol, which are Convention rights enshrined into UK law by the Human Rights Act 1998. However, these rights are not absolute, and interference may be justified in the public interest. In this case, upholding national and local planning policy, and the importance of preserving and enhancing the character and appearance of conservation areas are matters of legitimate public interest.
17. There are no lesser steps which could be taken to meet the policy and conservation area objectives, and whilst I recognise that the interference with

the appellant's rights and those of his family would be significant, the burden of complying with the enforcement notice would be necessary and would not be disproportionate.

Conclusion on ground (a)

18. I therefore conclude on the main issue that the dormer results in significant harm to the host building and the street scene, and small harm to the character and appearance of the conservation area. The development conflicts with Policies BCS21 and BCS22 of the Bristol Core Strategy, which respectively deal with urban design and heritage. It also conflicts with Policies DM26, DM27, DM30 and DM31 of the Site Allocations and Development Management Policies, which respectively concern local character and distinctiveness, layout and form, alterations to existing buildings and heritage matters. The dormer also conflicts with the SPD to which I have referred above.

Appeal on ground (g) – that the time for compliance falls short of what should reasonably be allowed

19. I accept that 3 months is an adequate time physically to carry out the works required by the notice. However, bearing in mind that the appellant is entitled to assume that his appeal might be successful, the timescale might be challenging having regard to the need to draw up specifications, obtain quotes, order materials and engage builders, as well as carry out the works. The need for the appellant to obtain finance is not a matter which carries great weight in this assessment. A compliance period of 12 months as sought by the appellant would be excessive in the circumstances, having regard to the great weight which is attached to the conservation of designated heritage assets. However, having regard to the interference with the appellant's human rights that I have referred to above, the need for a proportionate response justifies extending the period for compliance. I shall therefore vary the notice to allow a compliance period of 6 months.

Overall conclusion

20. For the reasons given above, I conclude that the appeal on ground (a) should be dismissed. The appeal on ground (g) succeeds only to the extent that the compliance period should be varied from 3 months to 6 months.

JP Roberts

INSPECTOR