



Appeal Decision

Site visit made on 3 October 2019

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 08 November 2019

Appeal Ref: APP/Z2830/W/19/3233842

14A Whalley Grove, Cogenhoe NN7 1LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Sam Barker against South Northamptonshire District Council.
 - The application Ref S/2019/0852/FUL is dated 18 April 2019.
 - The development proposed is retrospective planning application for 2 storey residential property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant lodged an appeal against non-determination of the planning application as the Council had not determined the appeal within the requisite time period. The Council has, however, indicated that had it been in a position to determine the application, it would have refused it with regard to the design of the appeal proposal, particularly the dormer features which the Council considers to be overly large and I shall proceed on that basis.
3. The application is described as retrospective and I saw on my site visit that a dwelling has been constructed. I note however that the submitted "as built" plans do not correspond with what has been constructed on site. I am therefore determining the appeal on the basis of the submitted plans rather than what has been constructed. In particular, the dormer features on site are larger and taller with white cladding and are different to what is proposed on either the approved plans or what is described by the appellant "as built".

Main Issue

4. The main issue is whether the appeal proposal would harm the character and appearance of the area.

Reasons

5. The appeal site is located towards the end of Whalley Grove which is a cul-de-sac and was previously part of the garden of 78 Station Road which is behind the appeal site. Opposite the appeal site beyond a small private drive, there is a pair of modest bungalows and No 14 is next to the appeal site at the start of the private drive.

6. Outline planning permission and a subsequent reserved matters application have previously been granted for a dwelling on the appeal site (the existing permission). It is the Council's view that the dwelling as constructed was not built in accordance with the existing permission and enforcement action was subsequently taken and a stop notice served. The appellant then submitted this further planning application to largely retain the dwelling on site but with changes to the dormers. The appellant accepts that the dwelling as built varies from the existing permission.
7. Plan Ref 5780-1 01E illustrates "as previously approved" and "as built" versions of development. The most obvious change to the proposal is the change to the dormers as three rather than two dormers are shown and they would be wider and taller than the previously approved dormers. Chevron style cladding is now proposed above and to the side of the dormers. There are also changes to the sizes and style of windows on both floors with brick headers over the ground floor windows to replace stone cills. Other changes include the chimney becoming an external feature and changes to the roof lights on the front and rear elevations and extra doors and windows to side and rear elevations.
8. The dwellings in the immediate vicinity of the appeal site largely consist of bungalows to the one side of Whalley Grove and modest dwellings to the other as shown in the appellant's photograph of the Whalley Grove street scene. No 14 is a modest detached dwelling in comparison to the appeal dwelling with simple lines with one window at ground and first floor level and a front door. The roof style is also simple with a pitched roof and no dormers or roof lights.
9. The proposed dormers due to a combination of their size and design together with the extra dormer would draw the eye to the top of the appeal dwelling and it would appear top heavy. It would also lose the symmetrical appearance between ground floor and first floor that was achieved with the existing permission. The appeal dwelling is in a prominent location in Whalley Grove and the changes proposed particularly the presence of the three proposed dormer windows would be incongruous and out of keeping with the largely modest surrounding development.
10. I do therefore consider that the appeal proposal would harm the character and appearance of the area. It would therefore be contrary to Policy G3(A) of the South Northamptonshire Local Plan adopted October 1997 (SNLP) which amongst other things states that planning permission will normally be granted where the development is compatible in terms of design and scale with the existing character of the locality. It would also be contrary to Policy EV1 of the SNLP which states, amongst other things, that particular attention should be paid to the relationship with existing site characteristics and the scale of design.
11. It would also be contrary to Paragraphs 124, 127, 128 and 130 of the National Planning Policy Framework (the Framework) which collectively refer to good quality of design and refusing applications of poor design.

Other matters

12. The appellant has provided photographs which show dwellings with various dormer styles including three dormers to the front of dwellings in Cogenhoe. However, each application has to be assessed on its own merits with regard to a number of considerations including location. I therefore do not consider that the examples given are comparable to the appeal proposal. I also note that the appellant considers that the internal layout has been improved as a result of the changes. Nevertheless, I have to consider the effect that the appeal proposal would have upon the character and appearance of the area.
13. The appellant asked to be allowed to carry out work to one dormer to indicate how his proposed alteration would look. However, as the only change that was proposed was to alter the materials from horizontal cladding to a chevron style, the Council did not agree to this request. The Council had made clear to the appellant what their concerns were and I agree that allowing a dormer window to be adjusted was not therefore necessary or appropriate in view of my findings.
14. I have received the comment referring to the appellant's good character but I have to assess the planning merits of the appeal proposal. There are two comments from local residents and also from the Parish Council who refer to a number of concerns including concerns that relate to the existing dwelling not complying with the existing permission. As this appeal proposal is being dismissed, those matters would be considered in due course by the Council.

Conclusion

15. I have found that the appeal proposal does harm the character and appearance of the area. I therefore determine that the planning application is refused and the appeal dismissed.

E. Griffin

INSPECTOR