
Appeal Decision

Site visit made on 7 January 2020

by N Thomas MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2020

Appeal Ref: APP/M1595/C/19/3230843

39 Laird Avenue, Grays RM16 2NL

- 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 Jim Fielding against an enforcement notice issued by Thurrock Borough Council.
 - The enforcement notice was issued on 15 May 2019.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a pitched-roof dormer to the front elevation of the roof slope.
 - The requirements of the notice are:
 - (i) Remove the dormer from the dwellinghouse.
 - (ii) Make good the roof.
 - (iii) Remove all materials arising from steps (i) and (ii) above from the land.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, 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.

The appeal on ground (a) and the deemed application

2. The ground of appeal is that planning permission should be granted. The main issue is the effect of the dormer on the character and appearance of the surrounding area.
3. The site is within a predominantly residential area. Laird Avenue is a long and straight residential road, and this part of it is dominated by similar semi-detached bungalows. Although there is some minor variation in the design, the uniformity of the bungalows gives the area a degree of coherence which is locally distinctive.
4. The dormer at No 39 has a hipped pitched roof, and taken with its overall proportions, has a bulky appearance that dominates the front roof slope of the bungalow. Although the windows match those used at ground floor, the cladding of the cheeks and front elevation of the dormer contrasts in colour and texture with the roofing tiles on the main bungalow roof, so that the dormer does not appear integrated with the main roof. As a result, it is a dominant and prominent feature on the front roof slope, which appears visually intrusive.

5. A small number of the bungalows in the road have been altered with the insertion of dormer windows in the front elevation. While some of these are of a similar width to the front dormer at No 39, they generally have flat roofs, are set down from the main ridge of the bungalow, and are finished in materials that are similar in colour and texture to the roof tiles of the main dwelling. As a result, they are less bulky and visually intrusive than the dormer at the appeal site.
6. For these reasons, I find that the front dormer is harmful to the character and appearance of the surrounding area. It is thus in conflict with PMD1, PMD2 and CSTP22 of the Thurrock Core Strategy and Policies for Management of Development 2015, which seek, amongst other things, to ensure that development is not harmful to the amenities of the area, and contributes positively to the character of the area in which it is proposed.
7. It is also in conflict with the guidance in the Thurrock Design Guide – Residential Alteration and Extension Supplementary Planning Document 2017.

Conclusion

8. For the reasons given above, I conclude that the appeal on ground (a) should fail and the application deemed to have been made should be refused.

N Thomas

INSPECTOR