



Appeal Decision

Site visit made on 28 January 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Kenneth Stone BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2020

Appeal Ref: APP/B2355/W/19/3240024

16A Manchester Road, Haslingden, Lancashire, BB4 5ST

- 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 Shakeel Khan against the decision of Rossendale Borough Council.
 - The application Ref 2019/0332, dated 4 August 2019, was refused by notice dated 30 September 2019.
 - The development proposed is described as 'the erection of a rear dormer and insertion of two front facing roof lights (retrospective)'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The development has already been constructed. I have dealt with the appeal on the basis that planning permission is sought for the development that has already been carried out.
4. It is agreed between the parties that the insertion of the two front facing roof lights would not have an adverse impact on the character and appearance of the host building or the surrounding area. From the observations made on site, I have no reason to conclude otherwise.

Main Issue

5. The main issue is the effect of the dormer window element of the development on the character and appearance of the building and the surrounding area.

Reasons for the Recommendation

6. The appeal site comprises a mid-terrace property with commercial premises at ground floor level and a residential flat on the first and second floors. The proposed development relates to the residential flat. From the front elevation there is a high level of consistency among the properties in this group of terraces, with commercial frontages at ground floor level and an overall coherence in terms of the style and character of the buildings. From the rear

the elevations of these properties are more varied, with a range of different additions and extensions such that there is no prevalent style or layout. While some dormer windows are present to the rear, these are not so commonplace as to be a defining feature of the street and are all proportionate in scale to the individual dwellings.

7. Policy 23 of the Core Strategy Development Plan Document The Way Forward (2011 – 2026), adopted 8 November 2011 (the Core Strategy) states that new development should promote the highest standard of design that respects and responds to local context, distinctiveness and character. This is reiterated in Alterations and Extensions to Residential Properties A Supplementary Planning Document, June 2008 (the SPD) which also includes a section specifically relating to dormer extensions.
8. The rear dormer extends along most of the width of the host property. As a result of this scale, it introduces a feature to the dwelling that does not respect the character and proportions of the property. This element of the proposal dominates the roof profile from the rear and, in doing so, causes visual harm to the external appearance of the appeal property, seeming disproportionate in the context of the building. It does not appear subordinate to the existing roof, nor does it retain a significant proportion of the original roof intact. This conflicts with the general provisions of Policy 23 and the SPD, as well as the more detailed advice in the SPD with regard to the set back from the original wall, the inset from the party walls and the set down from the ridge line.
9. Furthermore, the materials of the dormer extension do not complement the existing roof. While slate has been used in an attempt to match the original tiling, the material is much darker than that of the remainder of the roof. Additionally, the fenestration used in the construction of the dormer extension does not match that of the host dwelling, most notably due to the different colour of the surrounds and the difference in styles and proportions. The windows of the dormer do not line up vertically with those of the host dwelling. These factors combine to further distinguish this element of the proposal from the remainder of the property.
10. Although there would be no views of the dormer extension from Manchester Road, it would be highly visible in the rear courtyard of surrounding properties and from the public car park. Whilst the streetscape to the rear is varied, with different property styles present in the immediate vicinity, the scale of the dormer is such that it remains a sizeable addition that does not respect or respond to the surrounding character. It represents the first dormer extension of this scale in the immediate area and is experienced in the context of the smaller dormers present, which serves to highlight its dominant and intrusive nature. It appears as a prominent feature that is incongruous in the immediate setting and the character and proportions of the surrounding context are not respected by the development.
11. For the reasons given above I find that the development would have a significantly adverse visual effect on the character and appearance of the host building and the surrounding area. Accordingly, it would fail to comply with Policy 23 of the Core Strategy and the SPD.

Other considerations

12. The appellant has stated that there are a number of larger dormer extensions within the area. However, no information on the precise nature or location of these dormers has been provided, nor on their comparability to the development in question. In any event, the appeal is to be decided on its own site-specific circumstances and reference to other development nearby does not outweigh the harm identified above.
13. The appellant has put forward positive aspects of the development such that the flat was vacant and in disrepair but has since been renovated, with the proposal maximising the floorspace. It has also been pointed out that the proposal contributed to the viability of the area and meets local needs, in a sustainable and accessible location without leading to a significant increase in traffic. These benefits are acknowledged, however given the scale of the proposal and therefore the benefits that would flow there from, the matters raised in this instance do not attract sufficient weight in planning terms to override the harm that would arise.
14. The appellant has also stated that the proposal would be permissible as permitted development had the appeal property been a house rather than a flat. However, the fact remains that the host property is a flat and there is therefore no realistic possibility of the scheme coming forward under permitted development rights. No weight can therefore be attached to this fallback position.
15. Similarly, the appellant's frustrations with regards to the incorrect information being received from the Council are noted, as is the fact that building control approval was granted. However, these do not affect my considerations of the planning merits of this case.

Conclusion and Recommendation

16. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Kenneth Stone

INSPECTOR