



Appeal Decision

Site visit made on 17 February 2020

by Simon Hand MA

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

Decision date: 24 February 2020

Appeal Ref: APP/Z0116/C/19/3239519

7 Kensington Park, Bristol, BS5 0NU

- 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 Franco Thompson against an enforcement notice issued by Bristol City Council.
 - The enforcement notice was issued on 17 September 2019.
 - The breach of planning control as alleged in the notice is without the grant of planning permission the installation of a front dormer roof extension.
 - The requirements of the notice are remove the dormer extension on the front elevation in its entirety and reinstate the roof plane as originally constructed.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) 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 deleting the requirement and replacing it with "*remove the dormer extension on the front elevation in its entirety and reinstate the previous dormer shown on drawing 3948/P1 dated October 2019 and reinstate the chimney shown in the June 2012 Google maps photograph provided by the appellant*". Subject to these variations 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.

Reasons

2. The appeal property is a dwelling within a terrace of relatively uniform appearance in a residential area. A front dormer has been constructed which spans the full width of the property but leaves a small area of roof below to the eaves and above to the ridge. The appellant argues that a front dormer was in existence when he bought the property in 1986. Google street map photographs show a large dormer in place in 2009, as well as a number of other front dormers on neighbouring houses. In fact, as I saw on my site visit, all of the houses have front dormers of some sort, and I have no reason to doubt that there has been one at No7 for many years.
3. However, it is clear that the previous was narrower than the current dormer, with a strip of roof tiles visible between the flanks of the dormer and the parapet walls that divide the roofs of the properties from one another. The new dormer has extended over and replaced these parapet walls and the

chimney stack has also been removed. The old dormer was leaking and required replacement but the new dormer is some 1.5m wider, 20cm deeper and 30cm taller. It therefore requires planning permission.

4. The appellant argues the changes are minor, both in the context of the dwelling itself and the wider streetscene. The site is not in a conservation area nor is it listed. The loss of the roof parapets is a negligible change and, in any event, remain built into the flanks of the dormer. The loss of the chimney cannot even be considered as part of the dormer development. He also says the new dormer is well built and helps secure the future of the property.
5. As I saw on site the terrace is relatively uniform, with the small dormers, roof parapets and chimneys adding to the sense of rhythm. The larger dormer at No7 was already somewhat larger than its neighbours, but the new one is considerably bigger. It is now a dominant and aggressive addition that completely disrupts the rhythm of the roofs and considerably harms the character and appearance of the area. The reduction in size to the original dormer would represent a substantial improvement, particularly as it would allow the reinstatement of the roof parapets and the chimney, which are important features in the street scene.
6. I accept the site is not in a conservation area, but that does not mean that obviously poor design should be allowed. The new dormer is contrary to BSC21 of the Core Strategy which seeks to encourage good design and DM26 and DM30 of the Site Allocations and Development Management Policies document which seek to protect local character and ensure alterations to buildings are acceptable. The appeal on ground (a) is dismissed.

The Appeal on Ground (f)

7. The appellant argues that to remove the dormer in its entirety is excessive. The previous lawful dormer is still in existence beneath the new larger one. The appellant has already offered to remove the unlawful dormer and return to the previous one and the Council have suggested making a planning application to regularise that offer.
8. I agree, the previous dormer would seem to have become lawful through the passage of time and to require complete removal is unnecessary, especially as the previous, smaller dormer, did not stand out as harmful in the context of the wider streetscene. The appellant has attached plans showing the previous dormer and parapet walls, but not the chimney. In my view it is important the chimney is replaced. I do not accept that it is not part of the redevelopment of the new dormer as there would not seem to be room for both to co-exist, and in the absence of any contradictory evidence it would seem it was removed to facilitate the new dormer.
9. I shall vary the requirements to require the reinstatement of the original dormer as shown in drawing 3948/P1 dated October 2019 and in addition the reinstatement of the chimney that is clearly shown in the June 2012 Google maps photograph provided by the appellant. To that extent the appeal on ground (f) succeeds.

Simon Hand

Inspector