



Appeal Decision

Site visit made on 10 June 2020

by D J Board BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2020

Appeal Ref: APP/W1525/D/20/3247134

1 Middle Mead Close, West Hanningfield, Chelmsford, CM2 8UR

- 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 Ms Helen Evans against the decision of Chelmsford City Council.
 - The application Ref 19/01933/FUL, dated 21 November 2019, was refused by notice dated 16 January 2020.
 - The development proposed is described as '*retrospective householder planning application for a side dormer and a slight increase in ridge height*'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development has already been carried out. The term retrospective is not an act of development. Therefore, I have dealt with the appeal on the basis that planning permission is sought for a side dormer and increase in ridge height.
3. The Council has confirmed that since the application was determined it has formally adopted the Chelmsford Local Plan 2013 – 2036 (CLP). This supersedes the Core Strategy Development Plan and Development Control Policies DPD. Therefore, the policies from the DPD listed in the decision notice have been superseded. The Council has provided policies from the CLP that it considers relevant. The appeal is considered on this basis.

Main Issue

4. The main issue is the effect of the side dormer and increase in ridge height on the character and appearance of the area.

Reasons

5. The dormer window has been inserted into the side roof slope of the dwelling. As constructed, it exceeds the ridge height of the main dwelling. The appellant submits that it is higher by about 3cm. Nevertheless, there is also a limited space between the bottom of dormer and the eaves of the roof. Further the space either side of the dormer is also narrow. In this regard it does not sit within the existing roof and does not appear subservient.
6. The dormer window covers a large proportion of the roof slope into which it is inserted. It has a large flat roof and, as built, it is treated with hanging tiles. Given the very limited margins it covers a significant proportion of the roof slope. The materials do not complement the brick and tile palette on the existing dwelling and this is not something altering the fascia boards would

- change. These matters taken together with the large expanse of flat roof would draw the eye. Even taking into account the large trees to the front of the dwelling and the substantial set back from the road, it appears as a dominant and obtrusive feature on the dwelling.
7. This would be compounded by the site location. No 1 is located at one end of a group of dwellings that face onto Middle Mead Close and there is a footpath along one side with access to an open area to the rear. Within the immediate area there is a mix of detached, semi-detached and flatted units. However, whilst I noted some roof additions, they did not form a dominant feature in the area. From within the open area to the rear and from parts of the footpath the dormer is visible. It appears atop the pitch roof of the existing roof as an intrusive addition that would clash awkwardly with the roof form of the existing dwelling.
 8. The appellant suggests that the complex has not retained its original design, the houses are generally too small and there is no uniformity. Furthermore, that there are examples of dormer windows in the immediate and wider locality. I appreciate that extensions have been added to dwellings in the locality. However, the roof scape of the group of which the appeal dwelling is part does not contain other examples of dormer windows of this scale. Whilst there may be examples of other dormer windows in surrounding villages, I do not consider that this justifies the appeal scheme.
 9. The appellant refers to what could be constructed as permitted development. I understand that the property benefits from a certificate of lawfulness¹ which is capable of implementation. Nonetheless, the dormer window shown on the plans for that scheme would be smaller in width and height than the appeal scheme. The plans indicate that it would also be set back from the front elevation of the dwelling. As such I do not consider that any weight can be afforded to it as justification for the appeal scheme.
 10. The appellant submits that she did not intend to construct the dormer without planning permission and that the height of the structure as built is due to compliance with building regulations. In addition, I appreciate that the scheme would not have an adverse effect on the living conditions of the occupiers of neighbouring properties. However, none of these matters alter my findings on the main issue in the appeal.
 11. I therefore conclude that the addition of the dormer window is harmful to the character and appearance of the area. It would be in conflict with CLP Policy DM23 (High Quality and Inclusive Design) which amongst other things requires new development that respects the character and appearance of the area in which it is located. In addition, it sets out that development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape.

Conclusion

12. Therefore, for the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

D J Board

INSPECTOR

¹ LPA Ref 20/00410/CLOPUD