
Appeal Decision

Site visit made on 28 May 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2020

Appeal Ref: APP/Z1775/D/20/3245784

81 Lynton Grove, Portsmouth PO3 6NE

- 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 Ross Taviner against the decision of Portsmouth City Council.
 - The application Ref 19/01339/HOU, dated 2 September 2019, was refused by notice dated 3 January 2020.
 - The development proposed is described as '*front dormer*'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above is taken from the application form. It differs from that on the appeal form which is '*dormers to front and rear roof slopes*', and that on the decision notice which is '*construction of single storey rear extension; dormers to front and rear roof slopes*'. The Council's delegated report states that the application originally sought permission for the front dormer but that during the course of the application, the Appellant requested that the single storey rear extension also be considered. All the three above elements of the proposal are included on the plans before me, and the delegated report refers to all three aspects of the development. With this in mind, for the avoidance of doubt, my decision is based on the description of development on the decision notice.
3. The Council's delegated report confirms that the Council's view is that the proposed rear dormer appears to comprise permitted development in accordance with The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). On this basis, the delegated report does not include an in-depth assessment of the merits of the rear dormer.
4. I have no evidence before me that a formal application for a certificate of lawfulness with respect to a rear dormer at the appeal property has been determined by the Council, and the determination of what could potentially be built under permitted development rights is not a matter for me to decide within the context of an appeal made under Section 78 of the Act. Accordingly, since I am required to determine the appeal on the basis of the scheme before me, this includes consideration of the rear dormer.

5. The Council raises no objection to the rear single storey extension, having regard to its design, size, height and juxtaposition in relation to neighbouring properties. From everything which I have seen on my site visit and in submissions, including the neighbour concerns in respect of light impacts, downpipe relocation and future maintenance, I have no reason to disagree with the Council.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the host property and the wider surrounding area.

Reasons

7. The appeal property forms part of a two storey, pitched roof, residential terrace of period properties on the west side of Lynton Grove. The road is characterised by terraces of similar properties on both sides. The front roof slopes are visually prominent within the street scene and have a uniform, straight and uncluttered character, with original decorative features such as multi-potted brick chimneys, dividing roof parapets, and decorative roof ridge tiles, being visibly noticeable within the prevailing roofscape and making a positive contribution to the street scene.
8. The proposed front dormer would occupy a considerable amount of the front roof slope, and would dominate this part of the roof due to its width and depth and position of its roof adjacent to the main roof ridge. The flat-roofed design would not respect the traditional pitched roof construction of the original property. The proposed siting of the dormer close to the existing chimney, in combination with its proposed height, depth and proximity to the roof ridge, means it would visually compete with, and detract from, the positive chimney feature of the front of the building.
9. Furthermore, the proposed wider, more horizontal design of the front dormer including the tiled elements either side of the glazing, in comparison to the windows directly below, would serve to exacerbate the incongruous top-heavy appearance of the dormer within the front elevation. Accordingly, the proposal would have a materially harmful impact on the character and appearance of the host property.
10. The front roof slope is highly visible in the street scene when viewed from Lynton Grove and on the approach into the road from Cobden Avenue. The proposed front dormer would appear as a bulky and discordant addition to the front roof slope, drawing the eye, and appearing at odds with the simple, uncluttered character of the front roof of the appeal property and the terrace as a whole, detracting from its aforementioned positive roof features, and appearing unduly incongruous within the street scene. It would appear particularly prominent given that there are no other front elevation roof slope extensions on this side of Lynton Grove. In this respect, the proposal would materially harm the character and appearance of the area when viewed from the public realm of the street.
11. The proposed flat-roofed rear dormer would occupy an even larger part of the roof slope than the front dormer, extending close to the roof ridge and eaves and almost across the entire width of the roof slope. Whilst not impacting on the street scene in the same way as the front dormer, it would nonetheless

impact on the character and appearance of the host property, raising similar concerns in respect of flat roofed design and dormer width, depth and position within the roof slope as the front dormer. The proposed dormer fenestration would appear incongruous in relation to that of the windows below in respect of the wider more horizontal design of one of the windows and the non-alignment of the other window with the windows below. These factors, together with the overall width of the dormer would result in a discordant and disproportionately large addition to the roof which would not respect the character and appearance of the rear elevation of the property.

12. Both parties have drawn my attention to existing flat-roofed front elevation dormers at nos. 60 and 64 Lynton Grove, and the Appellant also refers to the presence of front dormers throughout the city. I am not aware of the particular circumstances relating to the planning status of these nearby dormers, and it is not for me to comment on the appropriateness of these or otherwise. In any event, the fact that apparently similar dormers may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered the appeal proposal on its individual planning merits, and within the context of the character and appearance of the existing building and the immediate locality, including the lack of existing front dormers on the appeal site side of the road. The existence of other such dormers in the area does not justify the harm that I have found for the reasons set out above.
13. For the above reasons, I conclude that the appeal proposal would cause significant harm to the character and appearance of the host property and the wider surrounding area. It would therefore be contrary to Policy PCS23 of the Portsmouth Plan 2012 which, amongst other matters, requires new development to be well-designed, and of an appropriate scale, layout and appearance in relation to the particular context, and seeks excellent architectural quality with respect to changes to existing buildings. For similar reasons, the proposal would also be contrary to Chapter 12 of the Framework which requires high quality design.

Other Matters

14. Whilst I have given careful consideration to the Appellant's need to extend the appeal property to provide more living space, I am mindful of the advice contained in Planning Practice Guidance¹ that, in general, planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be material. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the Local Plan and the Framework.
15. The Appellant has drawn my attention to the lack of objection to the front dormer from neighbours and the acknowledgement by the Council that the front dormer would not harm the living conditions of the occupiers of neighbouring properties. Whilst I have noted these matters, they do not affect my decision in respect of this appeal, which I must determine on the merits of the proposed development before me.

¹ Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR