



Appeal Decision

Site visit made on 28 July 2020

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 5th August 2020

Appeal Ref: APP/B2002/D/20/3246552

15 Coltsfoot Drive, Waltham, Grimsby DN37 0XL

- 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 Andrew Gray against the decision of North East Lincolnshire Council.
 - The application Ref DM/1019/19/FUL, dated 2 November 2019, was refused by notice dated 10 January 2020.
 - The development proposed is retrospective application for the conversion of roof space to provide second floor, installation of dormer to the rear and installation of roof lights to the front (Resubmission of DM/0645/19/FUL to reduce floor area of second floor, reduce projection and depth of dormer, remove a window to the rear and replace timber cladding to concrete hanging tiles).
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Decision

1. The appeal is dismissed insofar as it relates to the installation of the rear dormer. The appeal is allowed insofar as it relates to the three roof lights to the front roof slope and planning permission is granted for three roof lights to the front roof slope at 15 Coltsfoot Drive, Waltham, Grimsby DN37 0XL in accordance with the terms of the application, Ref DM/1019/19/FUL, dated 2 November 2019, so far as relevant to that part of the development hereby permitted and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to the three rooflights to the front roof slope: Site Location Plan; Block Plan; DWG 3 – Existing and proposed front elevations; DWG 10 – Proposed roof plans; DWG 11 – Proposed side elevation; DWG 12 – Proposed side and rear elevations; DWG 13 – Previous, existing and proposed first and second floor plans.

Procedural matters

2. The Council changed the description of the proposed development from that contained on the application form to that shown in the banner heading above. The description used above more accurately describes the proposed development. Consequently, I have used this in the determination of this appeal.
3. The appeal property already has a rear dormer constructed in the roof space and roof lights on the front roof slope. An appeal seeking the retention of these was dismissed on 14 May 2019 (Ref APP/B2002/D/19/3222022). The

proposed development in the appeal before me would involve the retention of the rooflights and the part removal/modification of the existing dormer. For the avoidance of doubt, I have determined this appeal solely on the basis of the plans submitted with planning application Ref DM/1019/19/FUL. These provide for a smaller rear dormer, with changes also proposed to the external materials and window openings, than the one currently in existence at the appeal property.

4. The proposal incorporates two main elements, the installation of the rear dormer and the installation of the rooflights on the front roof slope. I am satisfied that each element is clearly severable from the other such that I can consider them separately in reaching my decision.

Main Issues

5. The main issues are:

- The effect of the proposed development on the character and appearance of the existing dwelling and the surrounding area.
- The effect on the living conditions of the occupants of neighbouring properties with particular regard to overlooking and privacy.

Reasons

Character and appearance

6. The appeal property comprises a two-storey detached dwelling located on a relatively modern estate of predominantly detached houses and bungalows of various designs. The existing dormer, although proposed to be replaced, is clearly visible from Marian Way on entering the estate from Bradley Road. Although there are varying degrees of intervening screening vegetation, which cannot be relied upon indefinitely, it appears visually prominent in partial views from the rear of several properties and rear gardens in the vicinity, particularly those at Nos 15 and 19 - 23 Marian Way and Nos 1 and 2 Drury Close. At my site visit I did not see any other three storey dwellings or dormers at the second floor level in any properties in the immediate vicinity of the appeal site.
7. The development would involve the replacement/modification of the existing rear dormer and the retention of the existing rooflights. The proposed dormer would be positioned slightly in from the sides of the existing main roof of the host dwelling and its roof would be approximately commensurate with the ridge. The Council indicate that the new proposed dormer would have a projection of approximately 2.8m and a depth of 1.2m. The external materials would be hung concrete tiles to match those used on the existing roof. A single fixed obscurely glazed window only is proposed in the rear elevation to serve a bathroom.
8. Although there would be no change to the width of the proposed dormer from that which currently exists, it would be reduced in depth and projection. Nevertheless, it would be a sizeable addition to the dwelling, covering a major part of the rear roof slope which would be visible, to varying degrees, when viewed from the nearby properties identified above.
9. I appreciate the design solutions that have been considered in this appeal to assist in resolving some of the unacceptable features of the current rear

dormer that were identified in the previous appeal decision. However, in having a single window, with no other fenestration detail, the design and mass of roof tiles would serve to emphasise the appearance of the dormer as a bland, box-like structure.

10. Therefore, despite the proposed reduction in size from the dormer that currently exists it would nevertheless appear as a large, box-like structure that would be positioned close to the ridge. As no other types of such structure are visible in the immediate vicinity, it would have the effect of drawing the eye. It would dominate the appearance of the rear roof slope, rather than appearing subordinate to it.
11. Whilst the materials proposed would reflect those used in the host building, given its high level position on the roof and its appearance as a bland and large box-like structure, the proposed dormer would appear as a prominent, incongruous and obtrusive addition to the host dwelling. This harmful impact would be increased as a result of the proposed development appearing out of keeping within an area where the predominantly unbroken roof slopes make a positive contribution to its character.
12. I consider that the proposal would harm the visual integrity of the dwelling and the character of the immediate surrounding area, particularly as there are no other such additions to the roof slope in views in the vicinity of the appeal site. I accept that the dormer would only affect the rear elevation of the building and thus the change to the building and the wider locality would only be perceived in glimpses from the public highway and from the rear of neighbouring properties. Nevertheless, in such views the proposed development would be prominent and, for the reasons set out above, would appear as an incongruous feature. Consequently, the rear dormer would not be inconspicuous from the surrounding area. Furthermore, there is no reason for allowing the proposal on the basis that the extent of views would be localised.
13. The proposed roof lights within the front roof plane would be of a fairly modest scale in proportion to the host building, so they would not be inappropriate. I note that the Council has raised no objections to these roof lights and I have no reason to find these otherwise than acceptable. The rooflights are clearly severable, both functionally and physically, from the rear dormer, which is objectionable.
14. Taking the above matters into consideration, I conclude that whilst the roof lights are acceptable, the proposed rear dormer would have an adverse effect on the character and appearance of the host dwelling and the surrounding area due to its size, scale and location. It is therefore contrary to Policy 5 of the North East Lincolnshire Local Plan 2013 – 2032 (NELLP) which requires, amongst other things, that development has regard to such matters.

Living conditions

15. Owing to the relatively 'tight-knit' nature of this estate, the dormer would be visible from a number of residential properties adjoining the property boundary of the appeal site. In particular, as mentioned above, the proposal would be visible from the rear of properties at Nos 15, 21 and 23 Marian Way and Nos 1 and 2 Drury Close. At my site visit I viewed the appeal site from these properties.

16. The rear elevation of the proposed dormer provides for one window opening to serve a bathroom. No other windows are proposed. The submitted plans show this to be a fixed obscurely glazed window. Were I minded to allow this appeal, a suitable planning condition could be imposed to ensure that the window is retained as fixed and obscurely glazed and that no other openings are provided in the proposed dormer.
17. Given that the one window proposed would be provided with obscure fixed glazing, there would not be any overlooking into the rear of adjacent properties or their gardens. The proposed roof lights in the roof space at the front of the property would not result in any overlooking of adjacent properties due to their position in the roof and the separation distance between the front of the appeal property and other dwellings on this part of Coltsfoot Drive. Consequently, I do not consider that the proposal would give rise to a material loss of privacy for the occupants of properties in the vicinity of the appeal site.
18. Taking the above factors into account, I do not consider that the proposed development would give rise to overlooking or cause a material loss of privacy to the occupants of neighbouring properties. Consequently, there would be no conflict with Policy 5 of the NELLP which requires, amongst other matters, development to have regard to the impact on neighbouring land uses.

Other matters

19. I have some sympathy with the appellant's desire to create valuable living space and acknowledge that the proposed dormer would be smaller in depth and projection than the one currently in existence and it would be constructed using materials to match the existing building. However, I do not consider these matters are sufficient to outweigh the identified harm, particularly given the unbroken nature of the roof slopes in the immediate vicinity of the site.
20. The appellant has drawn my attention to other properties which have had similar flat-roofed dormers approved, as well as the Council Officer's comments on the planning application. However, none of the examples of precedent, including the example at Old Farm Court off Marian Way, appear to be in the visual envelope of the appeal site, and the evidence before me does not provide the full planning or policy context, or date of approval, for each of those examples.
21. I agree that several schemes, which the appellant has referred, share some common features with the proposal. However, some of these cases serve to illustrate that even modest changes to a building at a high level can have a significant impact on the character and appearance of that property and hence the streetscape of which it forms part. Whilst I have taken into account the evidence of particular developments that have been drawn to my attention, it is a central principle of the planning system that every proposal should be considered on its own individual merits.

Conditions

22. As the roof lights are already installed it is not necessary for me to impose a standard condition relating to the commencement of development. I have imposed a condition relating to the approved plans as this provides certainty. However, I have only specified relevant plans that relate to details of the roof lights.

Conclusion

23. I have found that the proposed development would not cause an unacceptable impact on the living conditions of the occupants of nearby properties. However, this does not outweigh the harm that the proposed rear dormer would cause to the character and appearance of the surrounding area. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed insofar as it relates to the erection of the rear dormer and allowed insofar as relates to the three rooflights to the front roof slope.

Stephen Normington

INSPECTOR