



Appeal Decision

Site visit made on 12 August 2020

by S Harley BSc(Hons) MPhil MRTPI ARICS

an Inspector appointed by the Secretary of State

Decision date: 14th August 2020

Appeal Ref: APP/A2470/W/20/3250854

The Rockies, Geeston Road, Ketton, Oakham PE9 3RH

- 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 Mrs Clare Walker against the decision of Rutland Council.
 - The application Ref 2020/0119/FUL, dated 30 January 2020, was refused by notice dated 26 March 2020.
 - The development proposed is loft conversion with dormer windows.
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Decision

1. The appeal is allowed and planning permission is granted for loft conversion with dormer windows at The Rockies, Geeston Road, Ketton, Oakham PE9 3RH in accordance with the terms of the application, Ref 2020/0119/FUL, dated 30 January 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: CW/01B/PLANNING/2020.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The rear dormers hereby permitted shall not be occupied until the windows have been fitted with obscured glazing and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Background and Main Issue

2. The proposals include dormer windows on both the front and the rear elevations. The original plan submitted with the planning application showed one dormer to the rear elevation plan Ref CW/01A/PLANNING/2020. During the course of the planning application a revised drawing was submitted which showed two smaller rear dormers instead plan Ref CW/01B/PLANNING/2020. The Council has no objections to the proposed front dormers, which were previously granted permission planning Ref 2019/0053.

3. The reason for refusal set out on the decision notice relates solely to the dormer(s) on the rear elevation. Both rear dormer options were refused by the Council. The appellant has indicated that the appeal should be considered on the basis of the revised plan Ref CW/01B/PLANNING/2020. On this basis I consider the main issue to be the effect of the rear dormers on the character and appearance of the property and the street scene.

Reasons

4. The Rockies is a detached house constructed in the 1990s as part of a development of houses including the Holmes Drive cul-de-sac. The Rockies is separated from Holmes Drive by Lime House. The rear first floor, main roof and single storey roof, of The Rockies can be seen from Holmes Drive across the drives and garages that separate it, and Lime House, from No 1 Holmes Drive.
5. The proposed dormers would be approximately equal distances from the edges of the roof and would be set up from the eaves line. Due to their width and positioning the rear dormers would not fully align with the windows at first floor level and would appear incongruous in relation to the single storey roof structures below. As a result there would be some harm to the character and appearance of the property and to the street scene as viewed from Holmes Drive. Accordingly there would be some conflict with Policy CS19 of the Rutland Core Strategy 2011 (the CS); Policy SP15 of the Site Allocations and Development Plan Document 2014 (the SPD); the Council's Supplementary Planning Document "Extensions to Dwellings" 2015; and those principles of the National Planning Policy Framework that seek design that respects local character and appearance.

Conclusion and Conditions

6. I have found some conflict with Policy CS19 of the CS and Policy SP15 of the SPD which are Policies of the development plan. However, unconditional permission has been granted for the removal of condition No 13 (Permitted Development Rights) of planning permission R/96/0261/9/CC in relation to The Rockies planning Ref 2020/0400/FUL. The Council advises that the development subject to the appeal would now be considered as permitted development under Class B of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) (England) 2015 (as amended) and thus the Council no longer has the grounds to resist the dormer development. This is a material consideration which outweighs the conflict with the development plan. I conclude the appeal should be allowed.
7. As well as the standard condition specifying the time limits for the commencement of development, compliance with the approved plans is necessary to provide certainty. Materials for external surfaces should match those of the existing building in the interests of the appearance of the area. Obscure glazing of the windows in the rear dormer would address the potential for overlooking of neighbouring gardens.

S Harley

INSPECTOR