
Appeal Decision

Site visit made on 10 September 2020

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 16 September 2020

Appeal Ref: APP/Y1110/C/20/3249999

Rosedale, 4 Newcombe Street Gardens, Exeter EX1 2TP

- 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 Ben Partridge against an enforcement notice issued by Exeter City Council.
 - The enforcement notice was issued on 3 March 2020.
 - The breach of planning control as alleged in the notice is the construction of a dormer window on the rear elevation of the property.
 - The requirements of the notice are to remove the dormer window and reinstate the pitched roof with matching tiles.
 - The period for compliance with the requirements is 90 days.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. It is directed that the enforcement notice is corrected by removal of the words *"in the approximate position marked with a cross on the attached plan"* from the allegation in section 3. Subject to that correction the appeal is dismissed, 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.

The Notice

2. The reference in the notice's allegation to a cross showing the position of the dormer is confusing since no cross has been marked on the plan which forms part of the notice. Such a cross, even if it were to be accurately marked, is in any case unnecessary because the allegation makes clear that the dormer has been erected to the rear elevation of the property. Accordingly, no injustice would be caused if I correct the Notice.

Main Issues

3. The appeal is solely under ground (a), that in respect of any breach of planning control which may be constituted by the matter stated in the notice, planning permission ought to be granted. The appellant states in the Planning Contravention Notice that the dormer is permitted development, but I note that no appeal has been made under ground (c). In any case, dormer windows are not permitted development under Schedule 2, Part 1, Class B within Conservation Areas.

4. The main issues relate to the Council's reasons for issuing the notice, namely whether the rear dormer would harm the character and appearance of the dwelling and street scene, and whether it would preserve or enhance the character or appearance of the Heavitree Conservation Area (CA).

Reasons

5. The appeal property is a two-storey semi-detached house at the southern end of Newcombe Street, a street of predominantly small Victorian terraced houses within the Heavitree Conservation Area. However, Nos 1-4 Newcombe Street Gardens are two pairs of larger infill semi-detached dwellings, constructed in the twentieth century.
6. The dormer, which is partially constructed and currently faced in plywood, occupies the majority of the rear roof plane of the house. I note that the Council also served a Stop Notice against the appellant on the same day the enforcement notice was served. It is the only dormer on any of the houses in Newcombe Street. No 4 is the last house at the end of the street and as such is readily visible from Roseland Drive, both from the adjacent car park abutting the property, the footway, carriageway and the dwellings on its southern side.
7. Some similarly large box dormers can be seen to the backs of some of the houses at the southern end of the parallel road, Roseland Avenue, from Roseland Drive. But Roseland Avenue is comprised of undistinguished inter-war houses and lies outside the CA and they are further away from this dormer, which is very prominent from Roseland Drive within the CA.
8. I acknowledge that 1-4 Newcombe Street Gardens and the dwellings in Roseland Drive are assessed as having a neutral contribution to the character of the CA as set out in *Heavitree Conservation Area Appraisal* document. But the Victorian terraces in Newcombe Street to the north are recorded as making a positive contribution to its character. The roofs of these terraced houses can be clearly seen from Roseland Drive in conjunction with this sole new dormer in the street. I have no doubt it harms the contribution the Victorian terraces make to the CA because it introduces a clumsily designed box dormer to the most southerly house on the street, which is prominent from the surrounding CA and street scene to the south.
9. As well as the existing dormers on Roseland Avenue, the appellant also draws my attention to those existing elsewhere in the CA. I acknowledge that there are some box dormers within the CA. For instance, there are similar box dormers to the rear roofs of the houses to the nearest end of Oakfield Street. One of the houses in North Street has a box dormer to front and rear. But most of the houses in these streets only have small dormers that are proportionate to their roof planes. There are no public views of the rear of the houses in South Lawn Terrace; its prominent street frontage only exhibits identical dormers of a proportionate size, which afford this part of the CA a pleasing character and appearance.
10. That can certainly not be said of the appeal dormer. Not only does it detract from the other houses in Newcombe Street and mar the northward view from Roseland Drive. It also unbalances No 4 itself, giving it a disproportionate and top-heavy appearance compared with its semi-detached neighbour at No 3. This box dormer, as well as those referred to above, only serve to illustrate the

unsuitability of such dormers to the character and appearance of the area, especially the CA.

11. 'Saved' Policy DG1 (g) and (h) of the Exeter Local Plan First Review (ELP) require that the massing of structures relates well to the character and appearance of adjoining buildings and townscape, and that all designs promote local distinctiveness and contribute positively to the visual richness and amenity of the townscape. For the above reasons the dormer window would fail to comply with this policy.
12. 'Saved' ELP Policy C1 mirrors the statutory requirement in S72(1) of the Act to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. For the above reasons the dormer would neither preserve nor enhance the character or appearance of the CA.
13. It would also fail to comply with the Council's guidance for the design of dormers set out in Chapter 4 of its *Householder's Guide to Extension Design*, a Supplementary Planning Document. This guidance states that dormers should be inset 1m from the eaves and the boundary. It also states that if a dormer is required to provide headroom rather than just natural light for the proposed accommodation it is unlikely to be acceptable. The dormer here breaches all of that guidance.
14. For the same reasons that it breaches the above development plan policies, the dormer would also be contrary to Sections 12 and 16 of the National Planning Policy Framework.

Conclusion

15. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Nick Fagan

INSPECTOR