
Appeal Decision

Site visit made on 19 October 2020

by P H Willows BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2020

Appeal Ref: APP/M1520/C/20/3253903

Land at 28 Willow Close, Canvey Island, ESSEX SS8 9HQ

- 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 Matthew Giles against an enforcement notice issued by Castle Point Borough Council.
 - The enforcement notice was issued on 4 June 2020.
 - The breach of planning control as alleged in the notice is, without permission the construction of a first floor front dormer.
 - The requirements of the notice are:
 - (1) Reduce the depth of the front dormer to the eastern most bedroom in accordance with drawing MG/AGC/2 of planning application 18/1005/FUL submitted to the Local Planning Authority on the 15th November 2018 and approved on 7th January 2019.
 - (2) Remove from the site all building and waste material arising from compliance with the above requirement.
 - The period for compliance with the requirements is 12 months for requirement (1) and 14 months for requirement (2).
 - 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. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Main Issue

2. The main issue is the effect of the dormer on the character and appearance of the area.

Reasons

3. The appeal property is a semi-detached dormer bungalow. Flat-roofed dormers are a common feature in the area and are original features on the front of the appeal property and its semi-detached neighbour. The original dormers, however, are of an appropriate scale and do not dominate the front roof plane.
4. The dormer targeted by the enforcement notice, however, is very bulky indeed. It juts out noticeably compared to the pre-existing dormer, leaving only a minimal area of the roof surface between the front wall of the dormer and the eaves. This, combined with the width of the dormer, means that it dominates the front roof plane of the building. Additionally, it very markedly unbalances the appearance of the semi-detached pair. Overall, it is an ungainly addition

which harms the character and appearance of the dwelling. This brings it into conflict with the design aims of Policy EC2 of the Council's Local Plan, and with the Council's Residential Design Guidance, which seeks to avoid over-dominant forms of roof development and works which harm the symmetry of dwellings. Since the dormer is highly prominent within the street scene, it harms the character and appearance of the area.

5. I appreciate that planning permission was granted for a dormer extension to the property. However, the size and detailing of the dormer that has been built are such that it bears little resemblance to the drawings submitted for that scheme. In my judgement, the approved scheme would have had a far more satisfactory appearance.
6. The appellant says that it was necessary to amend the design of the dormer for structural reasons. However, I have no persuasive technical evidence to support that view. Moreover, the Council advises that the Building Control department considered that the development could have been carried out in accordance with the approved plans.
7. I have had regard to the views of the neighbouring occupiers, who are happy with the development as built. I note also that the Council's concerns relate only to the appearance of the structure. Nevertheless, for the reasons set out above, I conclude that the development causes significant harm to the character and appearance of the area and that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Peter Willows

INSPECTOR