



Appeal Decision

Site visit made on 29 October 2020

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/C2708/W/20/3256300

82 Broughton Road, Skipton, BD23 1TT

- 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 & Mrs M Sarfraz against the decision of Craven District Council.
 - The application Ref 2020/21392/FUL, dated 21 January 2020, was refused by notice dated 31 March 2020.
 - The development proposed is for a partial change of use from retail to residential, 2-storey rear extension, 3 no. side dormer windows, removal of chimneys and window alterations.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is a corner plot set at the junction between Broughton Road and Sawley Street and is occupied by a two-storey end of terrace building with an extensive return frontage on to Sawley Street.
4. The appeal proposals amount to a resubmission of a previously approved scheme (*LPA Ref: 2019/20991/FUL, approved 27.11.2019*) for a change of use from retail to residential use along with extensions and other alterations, but with the inclusion of 3 no. side dormer windows which had been withdrawn from the 2019 scheme. Considering the extant nature of the 2019 permission and consistent with the Council's assessment, my determination of the appeal has also focussed solely on the difference from the approved development, specifically the dormer windows.
5. I observed the wider character of the area around the appeal site to be mixed in respect of the variety of land uses, albeit with an overriding predominance of residential development. Whilst I noted the large commercial warehouse building towards the northern end of Sawley Street at the junction with Marton Street, the streets to the north and north-east of the appeal site are laid out in a grid pattern and are largely comprised of extensive and uniform terraces of 2-storey dwellings.

6. Although the appeal site occupies a location fronting two separate streets, the proposed position of the dormer windows is on to the Sawley Street frontage and contextually it is within this street scene that this element of the development must most reasonably be assessed. The introduction of dormer windows to the Sawley Street frontage would appear significantly at odds with the prevailing character of simple, clean, and undeveloped front roof slopes which characterise the terraces within the immediate vicinity. Furthermore, the design of the proposed dormer windows would significantly obscure the plane of the front roof slope of the development. In this context, the proposed dormer windows would be obtrusive and uncharacteristic additions to the street scene and would appear as visually harmful design features given the distinctive roof scape of the area.
7. The appellant has cited other recent examples of planning permissions for front dormers as granted by the Council, including on Greenfield Street and Ruskin Avenue. However, from the evidence submitted it would appear that in the majority of these cases the Council drew the conclusion that there would not be a determinative level of harm either due to the presence of existing similar development close to the respective appeal sites, or at a time when paragraph 11(d) of the National Planning Policy Framework (the Framework) and the presumption in favour of sustainable development and the '*tilted balance*' was engaged.
8. I note from the references to saved development plan policies that these decisions would have been taken in advance of the adoption of the Craven Local Plan 2012 to 2032, adopted November 2019 (the Local Plan). Furthermore, given the absence of similar development within Sawley Street or a compelling demonstration that paragraph 11(d) of the Framework should again be engaged, I am satisfied that the decision-making circumstances in this instance are materially different from those encountered for previous developments. In any event, I have determined the appeal proposal on its own planning merit and I have not therefore given any significant weight in support of the appeal proposals from the previous cited planning permissions.
9. The appellant has also highlighted the weight given to heritage matters by the Council as being disproportionate in the absence of the inclusion of the area within an extension to an existing conservation area. However, whilst I have had regard to the submissions in respect of the importance of assessing the impact of the development on the setting of heritage assets, my assessment and conclusions have been premised upon the visual impact of the dormer windows on the character and appearance of the area. I have not therefore found any assessment of the impact on the setting of the heritage asset to be necessary as a means of determining the acceptability of the development in this instance.
10. For these reasons, the proposed development would result in an adverse effect on the character and appearance of the host property and the area. There would be conflict with Policies ENV2 and ENV3 of the Local Plan. These policies seek to ensure the conservation of Craven's historic environment including those elements which contribute to the District's distinctive character and sense of place, and in this instance the terraced housing as associated with the textile industry, as well as promoting good design which responds to context, the scale and form of existing and surrounding buildings, and the enhancement

of local distinctiveness. The proposals would also conflict with *Chapter 12: Achieving well-designed places*, of the Framework.

Conclusion

11. I note the contention that the purpose of the proposed dormer windows would be to ensure adequate headroom at second floor level to provide accommodation to meet the needs of the appellant's family. I accept that the desire to provide the additional accommodation must weigh to a limited extent in support of the proposal. However, I do not find that this would be sufficient to outweigh the harm which I have identified with regards the impact of the development on the character and appearance of the area.
12. For the above reasons, the appeal is dismissed.

Martin Seaton

INSPECTOR