



Appeal Decision

Site visit made on 29 September 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2020

Appeal Ref: APP/K3415/D/20/3257006

43 Booth Hurst Road, Hawksyard, Rugeley WS15 1RP

- 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 and Mrs Green against the decision of Lichfield District Council.
 - The application Ref 20/00547/FUH, dated 23 April 2020 was refused by notice dated 10 July 2020.
 - The development proposed is described as "proposed loft conversion incorporating flat roof dormer to rear elevation and 2 no. roof lights to front elevation"
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The development has already been constructed. I have considered the appeal on the basis that planning permission is sought for the development that has already been carried out.

Main Issue

4. The main issues are the effect of the development on (i) the character and appearance of the host dwelling and the surrounding area; and (ii) the living conditions of neighbouring residents with particular regard to privacy.

Reasons for the Recommendation

Character and appearance

5. The appeal site is located on the south western side of Booth Hurst Road in Rugeley and comprises a semi-detached property with garden space to the rear. The property forms part of a modern housing estate built at quite a high density on a perimeter block layout with modest enclosed gardens to the rear. Nonetheless, views of the rear are available through gaps between buildings and there is a high degree of inter-visibility between properties at the rear on account of the closely packed nature of the layout. The properties in the immediate area vary in terms of style and scale, but share an overall consistency with regards to design and

character. In particular, while the roof profiles of the properties are not identical, they are contain uninterrupted tiling along both the front and rear elevations. There are no other examples of flat roofed dormers within the rear of the block.

6. The development relates to the installation of a dormer extension to the rear and two rooflights to the front, which has already been carried out. While the materials match those of the roof, the dormer extension introduces significant bulk to the dwelling. While it is set back from the rear eaves and does not span across the entire width of the property it nonetheless represents a considerable addition to the roof, resulting in a sizeable and dominant feature when viewed from the rear garden, introducing a level of built form that does not reflect the character or appearance of the host building. Very little of the original roof form of the central part of the roof remains visible and the pitched roof has been replaced with a structure of box-like proportions and a flat roof which fails to reflect the consistent design and appearance of the roofscape in the surrounding area. Being set over to one side results in the extension appearing particularly dominant when viewed from the south within the rear garden, where its protrusion and scale are particularly noticeable.
7. With regards to the impact of the development on the surrounding area, it is acknowledged that the dormer is not visible from Booth Hurst Road. However, it is clearly visible from gaps through the buildings on Brindley Road and, as noted above, the tightly packed design of the area is such that the structure is visible from the rear of numerous other properties within the block. The development is experienced alongside these other properties and their predominantly unaltered roof profiles. In this tightly packed urban context, the dominant and discordant nature of the dormer at the appeal site is particularly noticeable, appearing as an incongruous addition to the area. Accordingly, the dormer fails to respect the surrounding development pattern or character of the area.
8. Two rooflights have also been installed in the front elevation. While this is a minor addition to the dwelling, it is experienced alongside the uninterrupted tiling along the roof profiles of the neighbouring properties. In this context the rooflights appear out of place and, in combination with the rear dormer, serve to further distinguish the host dwelling from the surrounding properties.
9. For all of those reasons I find that the development has a significantly adverse visual effect on the character and appearance of the host building and the surrounding area. Accordingly, it fails to comply with Core Policy 3 and Policy BE1 of the Lichfield District Local Plan Strategy 2008 – 2029, February 2015 (the Local Plan) and the Sustainable Design Supplementary Planning Document, December 2015 (the SPD).

Living Conditions

10. The proposal inevitably leads to overlooking of the rear amenity spaces of neighbouring properties due to its positioning and orientation. However, it is important to note that the existing first floor at the dwelling already overlooks these spaces, particularly the rear gardens and conservatory area immediately to the south west of the appeal site.
11. The Council has argued that the impact of overlooking is greater from the second floor created by the dormer. I recognise that the SPD suggests that increased separation distances will be required where there are significant variations in ground level between new development and existing

development, the Council has argued the dormer should be stepped back to avoid overlooking. Although that guidance relates to land levels rather than building heights, the principle remains relevant. However, having viewed from both windows, the difference in outlook from the first and second floor windows is not of such a level that the proposal would result in a significant change to the privacy of neighbouring occupiers, particularly when considering the screening provided by the tree at the appeal site and the fact that one of the windows in the dormer extension is of obscured glass.

12. Moreover, some degree of overlooking into rear gardens is common in urban areas, particularly within perimeter block layouts as in this case. Within the wider area are a number of three storey dwellings with windows at second floor level. Having regard to the nature of the layout, the distance from neighbouring gardens and the interim screening I am satisfied that an adequate level of privacy is maintained.
13. Accordingly, while the dormer results in some additional overlooking, it is not of a level that would result in a significant or unacceptable harm to neighbouring living conditions. As such, the proposal accords with Policy BE1 of the Local Plan and the SPD.

Other matters

14. The appellant has stated that the dormer could have been installed under permitted development rights and that the work was carried out without realising that such rights were removed when permission was granted for the site. Be that as it may, planning permission is required for the development and I am required to assess it on its merits. Permitted development rights are often removed on estates of this nature due to the compact layout to ensure that the impact of development can be assessed. For the reasons given, I find that the development would cause harm and I attach little weight to the fact that it may have been permitted development had such rights not been removed.
15. The personal circumstances of the appellant are acknowledged, whereby the proposal provides additional space for foster children. However, personal circumstances seldom outweigh general planning considerations. Little information as to the precise circumstances has been provided but the appeal statement indicates that the additional bedroom is required for one of three children. I note that the layout plan indicates that four bedrooms are present on the first floor and it is not clear whether the three children could be accommodated on that level. In addition, a significant section of the boxed dormer is used to house an en-suite bathroom and it appears to me that a bedroom could be accommodated in the roofspace without the need for a harmful addition to the roof of the size proposed. Consequently, the personal circumstances referred to do not outweigh the harm in this instance.
16. The appellant has argued that the proposal represents sustainable development. However, there is nothing to suggest that sustainable development couldn't be achieved in a manner that would reflect the character of the area. Accordingly, this does not attract sufficient weight to override the harm that would arise.

Conclusion and Recommendation

17. Having had regard to all matters raised, I find that the development does not have a significantly adverse effect on the living conditions of neighbouring residents with

regard to privacy but does have a significantly adverse visual effect on the character and appearance of the host building and the surrounding area. That harm is not outweighed by other material considerations and I therefore recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

C Preston

INSPECTOR