



Appeal Decision

Site visit made on 25 January 2021

by Diane Lewis BA(Hons) MCD MA LLM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2021

Appeal Ref: APP/Q0505/C/20/3259973

Land at 348 Mill Road, Cambridge, Cambridgeshire CB1 3NN

- 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 Eftar against an enforcement notice issued by Cambridge City Council.
 - The enforcement notice, numbered EN/0166/18, was issued on 7 September 2020.
 - The breach of planning control alleged in the notice is failure to comply with condition No 2 of a planning permission Ref 17/0207/FUL granted on 11 April 2017.
 - The development to which the permission relates is a rear dormer and single storey rear extension. The condition in question is No 2 which states that: The development hereby permitted shall be carried out in accordance with the approved plans as listed in this decision notice. The notice alleges that the condition has not been complied with in that the rear loft dormer has not been built to plans passed. The plans clearly show twin gable separate window dormers in the rear roof plane which is at odds with the rear dormer erected, which covers the area of the roof slope, save for the outrigger extension roof area.
 - The requirements of the notice are:
 - i. EITHER Revert to the build of the rear loft dormer at the Land (identified in blue on attached plan for identification purposes only) as per plans passed in relation to planning permission ref: 17/0207/FUL, OR
Remove the rear loft dormer at the Land (identified in blue on attached plan for identification purposes only) and make good the resulting structure.
 - ii. Remove all resulting materials from the Land.
 - The period for compliance with the requirements is six (6) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act 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.

REASONS

Background and main issue

2. 348 Mill Road is a two storey terrace house located in Mill Road Conservation Area, originally forming part of the Central Conservation Area. The house was extended following the grant of planning permission in 2017. One element of the proposal was to carry out a loft conversion to create a fourth bedroom with

en-suite shower room. The approved plans show that this conversion would involve the creation of a double pitched dormer in the plane of the rear roof slope, together with a roof light in the front and the rear roof slopes.

3. The appellant has confirmed that the work was completed in 2017. He accepts that the work was not carried out in accordance with the approved plans because the double pitched roof dormer would have made it impractical to provide the accommodation. He is now seeking planning permission through the ground (a) appeal and deemed planning application for the box dormer that has been constructed.
4. The enforcement notice is against the failure to comply with a condition attached to a planning permission, as opposed to carrying out development without the required planning permission¹. The deemed planning application seeks discharge of condition 2. The main issue is the effect of the rear box dormer on the character and appearance of the dwelling and on the Conservation Area. The conclusion on this issue will inform whether the development of a rear dormer that has not complied with the plans originally approved is acceptable.

Development plan

5. The development plan for the area includes the Cambridge Local Plan adopted in 2018 (the CLP). The key policies in respect of the rear dormer are Policy 58, which aims to ensure alterations and extensions to existing buildings are carefully designed, and Policy 61 that aims to ensure the conservation and enhancement of Cambridge's historic environment. Of wider application, Policy 55 supports development that responds positively to its context. Policy 56 supports development that is designed to be attractive, high quality, accessible, inclusive and safe.

Effect on character and appearance

6. The Conservation Area provides an example of a well detailed and well preserved Victorian suburb, with only a few examples of modern infill. Mill Road itself is a complex multi-ethnic and multicultural mix of commercial, residential, religious and community uses in mainly mid to late 19th century buildings lining the pavements on either side². Due to the mix of uses the appearance of the buildings along Mill Road are much more varied than the buildings in the residential streets to the north and south.
7. The appeal property is within a terrace formed of two storey houses one bay wide, built from brick with slate roofs. This type of terrace housing is characteristic of the Conservation Area. The terrace is located at the eastern end of the Conservation Area, where residential properties rather than retail uses front Mill Road. Opposite the terrace are the recently built mosque and student residential accommodation. The adjacent streets are fronted by terrace housing. In the Townscape Analysis the residential terraces, including number 348 and adjacent terrace buildings, are identified as positive unlisted buildings. It appears that the appeal site was within a Conservation Area in 2011, much earlier than the date indicated by the appellant.

¹ See sections 171A(1)(b) and 171A(1)(a) of the 1990 Act

² Mill Road Area Conservation Area Appraisal 2011 page 2

8. The back of the appeal property and the terrace are easily visible from the adjacent Madras Road and Hobart Road because the gardens at the back of the terrace create a good-sized gap with the buildings to the south. In contrast, along the residential side streets the tight knit urban form constrains views of the backs of the terrace houses.
9. The rear extension that has been erected at roof level is designed as a full width box dormer. This dormer extension by reason of its size, shape and flat roof, is very much at odds with the simple pitched roof form of the original terrace house and the adjacent houses in the terrace. Moreover, the position and style of the windows show little reference to the parent building. Consequently, the dormer roof extension and the alteration to the roof profile are not sympathetic to the existing building. The consistency in the roof forms of the terrace is disrupted to a harmful degree. The dormer extension is not supported by Policy 58.
10. The box dormer fails to complement the characteristic building form of the surrounding terrace housing and as a result harm is caused to the appearance of the Conservation Area. The required high standard of design is not achieved and Policy 61 is not met.
11. The CLP recognises that buildings often need to be adapted over time to meet the changing needs of occupiers. The policies aim to ensure the right balance between the needs of a householder and the importance of conserving the local townscape. In this instance the rear dormer extension has not achieved that balance and is of a design that is inappropriate to the host building and its context.
12. The appellant maintains there are numerous examples of similar dormers in Mill Road and the surrounding area. The Mill Road Conservation Area Appraisal acknowledges that some large roof extensions that have been allowed in the past have had a negative impact. However, I agree with the Council that inappropriate roof dormers are not present in sufficient number to change the local character. The typical building type remains the modest two storey terraced house with a pitched slate roof dominant. The policy objective now is to protect this element of local character.
13. Against this background, I attach little weight to the presence of similar box dormers to that at number 348 in the surrounding area. Very significantly, the development in question is the only box dormer in the terrace, which emphasises the resultant negative effect. In the immediate vicinity of the property only a small number of box dormers are visible and there is no information as to the facts related to them. They provide no precedent that should be followed.

Other considerations

14. The National Planning Policy Framework, in the policies on enhancing the historic environment, confirms that in determining applications account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness. In this case, the roof extension causes less than substantial harm to the Conservation Area as a designated heritage asset. No public benefits associated with the small scale development have been identified to weigh against this harm. The direction provided by the Framework is against the development.

Conclusion

15. The roof extension is contrary to Policies 58 and 61 and has no support from Policies 55 and 56 of the CLP. It fails to comply with the development plan when read as a whole and is unacceptable. There are no other considerations to indicate that the deemed planning application should be determined other than in accordance with the development plan. Condition 2 attached to planning permission Ref 17/0207/FUL, granted on 11 April 2017, is necessary and the development should be carried out in compliance with that condition.
16. For the reasons given above I conclude that the appeal on ground (a) should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Diane Lewis

Inspector