



Appeal Decision

Site visit made on 24 February 2021

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2021

Appeal Ref: APP/E2001/D/20/3264949

6 Sinderby Walk, Cottingham, Hull, HU5 4SP

- 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 Mrs Rachael Buglass against the decision of East Riding of Yorkshire Council.
 - The application Ref 20/02286/PLF, dated 17 July 2020, was refused by notice dated 6 November 2020.
 - The development proposed is the construction of a dormer window extension to the front to allow for a loft conversion.
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Procedural Matter

1. There is some variety in the description of development between the application form, the Notice of Decision, and the Appeal Form. Whilst all clearly refer to the development as applied for I have utilised the Council's description as also incorporating a detailed reference to the location of the proposed dormer window on the dwelling.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the dwelling and the area.

Reasons

4. The appeal site is occupied by a 2-storey dwelling set within a short terrace of four residential properties. To the front of the property is a modest private garden and access on to Sinderby Walk, a pedestrian thoroughfare linking Dent Road to Lythe Avenue. To the north of the thoroughfare is open land with an area of trees and mature bushes and undergrowth close to the front of the property. To the rear of the dwelling is a private garden and detached garage with access from Holwick Mews.
5. Whilst the appeal property lacks prominence in its existing form within the terrace, the front elevation and roof slopes of the terrace of properties are quite visible from Dent Road to the west, and indeed from the public open space. The proposed dormer extension would appear as a substantial and prominent addition to the property and within the terrace, with the flat roof and

almost complete infilling of the roof slope with the built form resulting in a bulky and unsympathetically designed extension.

6. The resultant appearance of the dwelling and roof extension would jar with the otherwise unadorned front roof slope of the terrace, and on the basis of my own observations of the nearby vicinity would represent an uncharacteristic form of development where there is a general absence of other extensions to front roof slopes. I recognise that the proposal would utilise matching materials and that there would be a general alignment of the proposed dormer window openings with the windows below. However, the incorporation of French Doors and a Juliet Balcony would further appear as an alien feature in the context of this type of development and exacerbate the poor design quality of the proposal.
7. I have carefully considered the appellant's contention regarding a general absence of conformity of design and that *one development will always be the first*. However, I disagree with the validity of this argument with the vicinity exhibiting a clear and demonstrable absence of such development within front roof slopes, which is a clear part of the character of the area. I do not therefore find this to be a justifiable position from which to allow inappropriately designed or poor-quality proposals. I do accept that there are examples of solar panels on existing roofs within the area, but note that their overall visual impact is limited as the panels only exceed the plane of the roof slope on which they are located by a modest amount and do not therefore have any significant visual impact with regards the shape of roof storeys.
8. It is for these reasons that I conclude the proposed development would result in an adverse impact on the character and appearance of the host dwelling and the area. The proposal would conflict with Policy ENV1 of the East Riding Local Plan Strategy Document 2016, and Policy GP2 of the Cottingham Neighbourhood Plan and Design Guide 2015-2029. These policies seek to ensure that development achieves a high quality of design that contributes to a sense of place and has regard to the specific characteristics of the site's wider context and character of the surrounding area, and have regard to the Design Guide contained within the Neighbourhood Plan which sets out that flat roofed dormers on a pitched roof dwelling should be avoided due to incongruity of appearance.

Other Matters

9. The appellant has set out details of alternative forms of development being undertaken on the rear roof slope of the property, either requiring planning permission (Option 2) or having the potential to be permitted development (Option 3). The appellant has contended that in respect of the alternative options, it would be preferable to allow the development on the front roof slope.
10. In considering the possibility of an alternative scheme and whether a valid fallback permission is established as justification for the development, I note there is no indication of an extant planning permission for development of the rear roof slope for an extension in accordance with Option 2. I am therefore satisfied that this option cannot weigh in support of the development as a material consideration.

11. Turning to Option 3, whilst I have not been provided with any detailed analysis by the appellant against the criteria at Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), I have no reason to conclude that an extension to the rear roof slope of the appeal property could not be progressed as permitted development. I find this therefore to be a realistic prospect and I attach significant weight to this as a greater than theoretical possibility.
12. However, I am mindful that in the event planning permission was granted, there would not be anything to prevent existing permitted development rights being exercised before the permission for the appeal scheme was implemented. The removal of permitted development rights by condition would only take effect once the permission was implemented, and in the absence of a S106 obligation before me, there would be no means of preventing such an outcome. This would clearly negate the fallback argument.
13. In any event, even allowing for the potential for a dormer extension completed as permitted development to provide the opportunity for overlooking of neighbouring properties, I am mindful that such a situation already persists from first floor windows. In the circumstances, I am not persuaded that the more elevated position provided by windows within the dormer extension would significantly worsen the existing relationship, and therefore this would not weigh in support of the appeal proposal. Furthermore, and as conceded by the appellant, an extension completed as permitted development would need by design to be smaller than the appeal proposal, which must be preferable to the scale of that proposed for the front roof slope.
14. For these reasons, I am satisfied that whilst on the basis of the evidence it would appear to be both realistic and possible that a rear dormer extension could be implemented as permitted development, the effect would not be more harmful than the appeal scheme. I do not therefore find that the possibility of the appeal scheme being preferable to a fallback position exists.
15. I have also had regard to various letters submitted with the appellant's case setting out a general absence of objection to the proposals from nearby residents. However, whilst these may be indicative of the opinions of neighbouring occupiers, such correspondence neither weighs in support nor against the proposed development in drawing conclusions on the planning merits of the case.
16. The Council has raised concern over the potential for the proposed development to result in a precedent for further similar development which it would be difficult to resist. However, whilst the convention is to consider each case on its own individual merits, due to my conclusions on the main issue and the absence of other matters weighing in support of the proposal, this is not a matter which has been central to my decision-making in any event.

Conclusion

17. For the above reasons, the appeal should be dismissed.

Martin Seaton

INSPECTOR