



Appeal Decision

Site Visit made on 2 June 2021

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2021

Appeal Ref: APP/P3420/D/21/3269652

1 Orion Court, Newcastle Under Lyme ST5 2PN

- 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 Mohammed Khan against the decision of Newcastle-under-Lyme Borough Council.
 - The application Ref 20/00993/FUL, dated 20 November 2020, was refused by notice dated 8 February 2021.
 - The development proposed is a dormer loft conversion.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Mohammed Khan against the Newcastle-under-Lyme Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Planning permission was granted in 2020 (Ref: 20/00525/FUL) by the Council for a garage conversion, two storey extension, loft conversion and single garage ('the approved scheme'). This scheme included two pitched roofed dormer windows to the front roof plane, with a further three to the rear.
4. The plans submitted as part of the appeal scheme show a single dormer window in the rear roof plane and the building up of the front elevation above the first-floor extension to facilitate the use of the roof space. No concerns are raised about the rear dormer. I have no reason to disagree. The dispute in this case focusses on the works to the front of the dwelling which have, insofar as those relating to the loft conversion and the first-floor extension, been carried out in accordance with the submitted plans. However, a five-pane window at ground floor has been formed instead of the approved and proposed bay window. Even so, I have considered the appeal based on the plans submitted and notably no concerns have been raised about the bay window. I agree given the design of the appeal property.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal property is a detached dwelling situated within a cul-de-sac characterised by properties of a two-storey scale and with a broadly consistent style and design. The property lies in a prominent position at the end of the private drive which permits unobstructed views of the front elevation. There

are also glimpsed views of the property from Poolfield Avenue.

7. Some properties on Poolfield Avenue have front facing gables, but they do not create a three-storey appearance. The proposal fundamentally alters the design ethos of what was a two-storey dwelling with a dominant extension within its roof plane. The extension sits just below the dwelling's ridge line and due to its form and size it is not a subordinate addition to the dwelling. Although appropriate materials have been used, the extension detracts from the character of the original dwelling and it is not an appropriate design response having regard to the character and appearance of the area even if it is not part of a conservation area or an area of special interest.
8. The two dormer windows that form part of the approved scheme were of a modest scale and unlike the proposal, would not have dominated the front roof of the appeal property. Furthermore, the scheme at 4 Orion Court is not directly comparable as the plans show the continuation of a two-storey scale and appearance and a design that responds to the original dwelling.
9. It is understandable that the appellant wishes to extend their property and while I acknowledge the rationale for the changes to the approved scheme, neither matter alters or outweighs the harm that is being caused to the design of the host dwelling and the character and appearance of the area.
10. While the appellant considers the proposal would fall within the remit of permitted development, there is no evidence that the appellant applied to the local planning authority for prior approval before beginning the development. Even if they did, the existing dwelling has already been enlarged by the addition of a first-floor extension above the former garage. The appeal scheme has added a further storey to this. Given that the front elevation has been built upwards and is therefore not a 'roof', it also seems that the roof pitch of the principal part of the dwellinghouse would not be the same as the roof pitch of the existing dwelling. Hence, I do not consider that there is a real prospect of permitted development rights being exercised in the manner suggested to justify the proposal.
11. I conclude that the proposal causes significant harm to the character and appearance of the area. The proposal conflicts with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 and saved Policy H18 of the Newcastle-under-Lyme Local Plan 2011. These jointly seek, among other things, new development to be well designed to respect the character of the area and the form, size and location of the extension to be subordinate to the design of the original dwelling, and to not detract materially from the character of it.

Conclusion

12. Even though the proposal does not harm to the living conditions of nearby occupiers, the appeal scheme conflicts with the development plan as a whole and there are no material considerations that indicate that I should take a different decision other than in accordance with this.
13. For the reasons given above I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR