



Appeal Decision

Site visit made on 1 June 2021

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2021

Appeal Ref: APP/P2935/D/21/3270433

5 Dilston Avenue, Hexham NE46 1JE

- 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 Nicholas Winney against the decision of Northumberland County Council.
 - The application Ref 20/2920/FUL, dated 6 September 2020, was refused by notice dated 12 February 2021.
 - The development proposed is extensions to roof including hip to gable extension and full width flat roofed dormer.
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Decision

1. The appeal is allowed and planning permission is granted for extensions to roof including hip to gable extension and full width flat roofed dormer at 5 Dilston Avenue, Hexham NE46 1JE in accordance with the terms of the application, Ref 20/2920/FUL, dated 6 September 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan Reference Number: TQRQM20273222759665; Drawing No. 2020/0090/0001 Plans and Elevations as Existing and Proposed; and Plan Reference Number: TQRQM20222123433911 Site Location Plan.

Preliminary Matters

2. The description of development varies between the planning application form, decision notice and appeal form. I have taken the description in the heading above from the decision notice, as I consider that this accurately represents the proposal.
3. The appellant refers to the submission of alternative plans which have been enclosed with his appeal. However, the Council's questionnaire has confirmed which plans were under consideration at the time the application was decided, including Drawing no. 2020/0090/0001 which is not one of the alternative plans. It has also not been demonstrated that the alternative plans have been

subject to public consultation. I have therefore proceeded to determine this appeal on the basis of the plans provided with the Council's questionnaire.

Main Issue

4. The main issue is the effect on the character and appearance of the host building and the streetscape.

Reasons

5. The appeal property is one of a pair of semi-detached dwellings. Both dwellings have a hipped roof, which reflects the roofscape of the cul-de-sac in which the site is located. The roofscape of the cul-de-sac is generally unaltered, and the regularity and rhythm of the hipped roof designs make a positive contribution to the pleasant suburban character of this area. There are some flat roofed two-storey extensions on nearby properties which have an ungainly appearance, but they do not detract from the prevailing hipped roof form.
6. Within this context, the replacement of the hipped roof with a gable would unbalance the symmetrical relationship between the appeal building and the adjoining property. The gable roof would also be a jarring feature detracting from the regular arrangement of the roofscape in this cul-de-sac. Even allowing for the sloping topography of the area, the harm arising from the appeal proposal would be apparent within the streetscape.
7. Although the rear dormer would extend over a significant area of the rear roofslope, it would not be readily visible from the public realm. That said, the flat roofed dormer would be an incongruous box-like addition to the host dwelling in views from neighbouring properties.
8. However, the appellant has provided evidence that similar extensions could be constructed under the property's permitted development rights. The Council has been given the opportunity to comment on this, and it has submitted a general statement that the proposal would not constitute permitted development as the total roof enlargement would exceed 50m³ and that part of the proposed dormer would not be located on the roof of the original dwelling. In contrast, the appellant has provided detailed calculations to demonstrate that the proposal would be less than 50m³, and this reflects my own assessment of the plans. The Council has provided no substantive evidence to demonstrate that the appellant's figures are incorrect. The rear dormer is also part and parcel of the additions to the roof, and the Council has not demonstrated that it would conflict with any of the limitations on the property's permitted development rights.
9. Notwithstanding matters such as the design of window frames, the evidence suggests that a scheme of a similar scale and arrangement as the appeal proposal could be constructed under the property's permitted development rights. Mindful of the appellant's intentions to extend the property, I consider that there is a greater than theoretical possibility that this permitted development 'fallback' scheme may take place. As such, I give it significant weight in my consideration of this appeal.
10. For the reasons stated above, the proposal would harm the character and appearance of the host building and the streetscape. The proposal would therefore be contrary to policies GD2 and H33 of the Tynedale District Local Plan 2007 with regards to design as well as the effect on the character of the

existing building and surrounding area. However, on the basis that a fallback scheme under the property's permitted development rights could lead to similar harm, I conclude that the appeal should be allowed. Whilst I have concluded that the proposal would conflict with adopted planning policies, the significant weight I give to the fallback scheme as a material consideration indicates that the proposal should be determined otherwise than in accordance with the development plan.

Conditions

11. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty. A condition in respect of materials is appropriate in the interests of character and appearance.

Conclusion

12. For the reasons given above, I conclude that the appeal should be allowed.

David Cross

INSPECTOR