



Appeal Decision

Site Visit made on 21 July 2021

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2021

Appeal Ref: APP/N2739/D/21/3273504

Byland House, Hirst Road, Chapel Haddlesey, Selby YO8 8QQ

- 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 Richard Larder against the decision of Selby District Council.
 - The application Ref 2020/0492/HPA, dated 20 May 2020, was refused by notice dated 11 February 2021.
 - The development proposed is the erection of dormers to front and rear in association with loft conversion, the change of roof from flat to pitched on rear extension, change of conservatory roof to pitched roof at rear, minor changes to window openings.
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Decision

1. The appeal is dismissed insofar as it relates to the erection of dormers to front and rear in association with loft conversion. The appeal is allowed insofar as it relates to the change of roof from flat to pitched on rear extension, change of conservatory roof to pitched roof at rear, minor changes to window openings and planning permission is granted for the change of roof from flat to pitched on rear extension, change of conservatory roof to pitched roof at rear, minor changes to window openings at Byland House, Hirst Road, Chapel Haddlesey, Selby YO8 8QQ in accordance with the terms of the application, Ref 2020/0492/HPA, dated 20 May 2020, and the plans submitted with it insofar as relevant to that part of the development hereby permitted, and 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 development hereby permitted shall be carried out in accordance with the following approved plans (dwg nos) insofar as they relate to the change of roof from flat to pitched on rear extension, change of conservatory roof to pitched roof at rear, minor changes to window openings: LOC01; 2429:6; 2429:1; 2429:2; 2429:3A; and 2429:4A.

Preliminary Matters

2. Since the Council determined the planning application and the appeal was submitted, a revised National Planning Policy Framework (the Framework) has been published¹. The Council refers to the previous iteration of the Framework² in its officer report but I am satisfied that, other than a change to paragraph numbers, the revised Framework does not materially affect the main issue, which is set out below. I have determined the appeal in the context of the revised Framework.

¹ 20 July 2021

² February 2019 Framework

3. For the reasons that follow, I find the change of roof from flat to pitched on rear extension, change of conservatory roof to pitched roof at rear and minor changes to window openings to be acceptable. I am satisfied that these elements of the proposal are clearly severable physically and functionally from the proposed front and rear dormer windows. I therefore intend to issue a split decision in this case and grant planning permission for the change of roof from flat to pitched on rear extension, change of conservatory roof to pitched roof at rear and minor changes to window openings.

Main Issue

4. The main issue is the effect of the proposed front and rear dormer window extensions on the character and appearance of the appeal property and the surrounding area.

Reasons

5. The appeal property is a distinctive detached dwelling, the front elevation of which is dominated by a substantial projecting chimney breast, and further characterised by its simple and minimalist façade, extensive yet largely unadorned hipped-roof roof form which wraps around to the side and rear over a ground floor build out, and a discrete curved-roof dormer to the side elevation. Although set back within its plot in comparison with houses to either side, the appeal site's low-level frontage planting nevertheless ensures that the appeal property is a reasonably visible feature within the Hirst Road streetscene.
6. Both dormer windows would incorporate pitched roofs set just below the existing roof ridge level. Although the smaller of the two, the proposed front dormer window would be a highly incongruous addition to the appeal property's roof which would cause significant harm to the building's distinctive character and simple appearance. The dormer window's articulated double-pitched roof and staggered face would unnecessarily draw attention to the structure and, whilst the substantial chimney would partly hide the recessed portion of the extension, its shape and size would be significantly detrimental to the appeal property's distinctive character and appearance.
7. There are examples of dormer windows elsewhere within Chapel Haddlesey, the designs of which vary. However, the examples to which my attention has been drawn are more straightforwardly simple in their design, and smaller in scale, than is proposed in this instance. The proposed front dormer would be none of those things.
8. With regard to the larger, rear dormer, it would be situated broadly centrally within the rear roof slope. It would not, other than from directly neighbouring properties, be widely visible from the front or rear.
9. However, despite its relative lack of wider visibility, the scale and proportions of the proposed addition would nevertheless jar with the otherwise simple form of the property's roofscape and would dominate the rear elevation. Although set in from eaves and ridge level, and well away from both sides of the rear roof slope, its substantial depth would be incongruously out of proportion with the existing property in its own right. When taken together with the proposed front dormer window extension, the dormer windows would result in an

incongruously harmful form of extension that would significantly erode the appeal property's distinctive character and appearance.

10. Core Strategy (CS) policy SP19 expects all new development to achieve high quality design and to have regard to local character, identity and the context of a site's surroundings whilst Selby District Local Plan (LP) policy ENV1 states that the effect of a proposal upon the character of the area will be taken account of in seeking to secure a good quality of development. For the reasons set out above, the proposal would fail to have proper regard to local character, the identity, character or appearance of the appeal property or the context of the site's surroundings. As such, the proposal is contrary to CS policy SP19 and LP policy ENV1.
11. I have some sympathy with the appellant's argument that the existing layout of the upper floor has been a significant factor in the siting of the stairs that would serve the converted loft and, in turn, the need for a dormer window on the property's front roof slope to provide headroom for access. However, I have no evidence before me to indicate or demonstrate that a converted loft could not otherwise be accessed in an alternative manner, nor do these stated limitations persuade me of the acceptability of the proposal given the harm that I have identified.
12. I agree with the Council that the proposed roof alterations to the existing conservatory and ground floor rear extension, and the minor changes to existing window openings are acceptable and would not cause harm in terms of character and appearance. I am also satisfied that these elements of the proposal are clearly severable physically and functionally from the proposed front and rear dormer window extensions. These elements of the proposal would accord with CS policy SP19 and LP policy ENV1, but this does not outweigh my findings in respect of the harmful impact of the proposed front and rear dormer window extensions on the character and appearance of the appeal property and the surrounding area.

Other Matters

13. The Council found no harm arising from the proposal in terms of living conditions of occupiers of neighbouring properties. I do not disagree. Nor, given the nature of the proposal in relating almost entirely to works at or above ground floor roof level, do I disagree with the Council's conclusion regarding flood risk. These matters do not however persuade me of the acceptability of the proposal in light of my conclusions regarding the effects of the front and rear dormer windows on the character and appearance of the appeal property and the surrounding area.

Conditions

14. I have considered the conditions as suggested in the Council's appeal questionnaire in the context of the Framework, Planning Practice Guidance and my conclusions in reaching a split decision. In addition to a time limit condition therefore, I agree that a condition requiring that the development be carried out in accordance with the approved plans is necessary, albeit only insofar as the works relate to change of roof from flat to pitched on rear extension, change of conservatory roof to pitched roof at rear and minor changes to window openings, in order to provide certainty.

15. A condition to ensure the use of matching materials in the change of roof from flat to pitched on the rear extension is not necessary as these details are specified on the approved plans. Nor is it required in relation to the conservatory minor window alterations. I have not therefore imposed this suggested condition.

Conclusion

16. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be allowed insofar as it relates to the change of roof from flat to pitched on rear extension, change of conservatory roof to pitched roof at rear and minor changes to window openings. Insofar as the appeal relates to the proposed front and rear dormer windows, I conclude that the appeal should be dismissed for the reasons I have set out above.

G Robbie

INSPECTOR