

Appeal Decision

Site visit made on 28 September 2021

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021.

Appeal Ref. APP/B5480/D/21/3276529
56 The Grove, Upminster RM14 2ET

- 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 Malcolm Starns against the decision of the Council of the London Borough of Havering.
 - The application ref. P0549.21, dated 21 March 2021, was refused by notice dated 18 May 2021.
 - The development proposed is "*Single Storey Rear and Side Extensions and Front Dormer*".
-

Decision

1. The appeal is allowed and planning permission is granted for "*Single Storey Rear and Side Extensions and Front Dormer*" at 56 The Grove, Upminster RM14 2ET in accordance with the terms of the application ref. P0549.21, dated 21 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans numbered or annotated: Location Plan; Block Plan; 1716/20/7 and 1716/20/8.
 - 3) 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.
 - 4) The proposed ground floor openings in the southern side elevation serving a utility room and a bathroom shall be fitted with obscured glazing at not less than 3 on the standard scale of obscurity and once installed such obscured glazing shall be permanently retained thereafter in those openings.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no window or other opening (other than those shown on the approved plans) shall be formed in the flank walls of the dwelling as enlarged, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

Procedural matters

2. In July 2021, after the submission of this appeal, a new version of the National Planning Policy Framework (the Framework) was published, replacing the 2019 edition. I have had regard to this document, but it is evident that the substance of the Framework, as it relates to the sole main issue in this case, has not changed. In such circumstances, I am satisfied that there is no requirement to seek the views of the parties on the revised Framework, and that in taking such an approach no prejudice to any party would arise.
3. I have taken the description of the proposed development in the heading and decision above from the Council's decision notice (as repeated at section E on the householder planning appeal form). When compared to the description provided at section 4 of the application form, I am satisfied that it more accurately and concisely describes the development proposed.

Main issue

4. The Council did not object to the proposed single storey rear and side extensions for any reason. I see no basis to disagree with that stance. I consider the main issue to be the effect of the proposed front dormer upon the character and appearance of the dwelling and its surroundings.

Reasons

5. Apart from a 2-storey block of flats (Grove Court) at its northern end, The Grove is a suburban avenue characterised by a mix of detached and semi-detached bungalows, chalet bungalows and 2-storey houses. Nos 54 and 56 form a semi-detached pair of bungalows with further accommodation in their roof spaces. It is proposed to add a flat-roofed front dormer (about 4.4 m wide and 1.8 m high) at the appeal property to match the adjacent dormer in the front roof slope of no. 54.
6. The Council's decision notice refers to the excessive width, bulk and scale of the proposed dormer in addition to its flat roof design and makes reference to the Council's Residential Extensions and Alterations Supplementary Planning Document (SPD), adopted in March 2011. The SPD clearly carries weight as a material consideration in decision making but it should not be applied prescriptively to the exclusion of all other factors, including the physical circumstances and context of a site. Moreover, if it is going to be applied fairly, its various aims and guidelines need to be weighed up in the round.
7. I saw that many nearby properties on the same western (even) side of The Grove between nos 40 and 78 have dormers on their front roof slopes and/or side roof slopes. The number and the variety of those roof additions, added to the wide mix of individually designed dwellings, contribute to the local distinctiveness of this street scene. In itself, the introduction of another front dormer would not be out of character with this locality.
8. The Council does not seem to acknowledge this character and is too dismissive of the wide flat-roofed front dormer window at no. 54. That dormer may well predate the current SPD and more generally, having regard to the guidelines on dormer windows in the SPD, it may be hard to justify wide flat-roofed front dormers on the otherwise unaltered original front roof slopes of detached dwellings and semi-detached pairs of properties. Nonetheless, in this case I agree with the appellant that the neighbouring front dormer is a material

consideration as it has a physical impact on the street and this semi-detached pair of dwellings that needs to be taken into account.

9. The SPD explains that dormers facing the highway should have pitched roofs, unless the use of an alternative form of roof can be clearly demonstrated to be more in keeping with the design of the original dwelling and the character of the street, particularly the neighbouring dwellings. I therefore take no issue with the flat-roofed profile chosen by the appellant as it would match the profile of the adjacent front dormer at no. 54.
10. The proposed front dormer would exceed the maximum width of 1.2 m stipulated in the SPD but it is entirely understandable that the appellant wishes to build the dormer to a width which matches the companion front dormer at no. 54. Of greater importance, in my view, is how the proposed addition would give rise to compliance with the SPD's general design principles on uniformity and symmetry at paragraph 4.17 and on roof styles and treatments when considering the street scene at paragraph 4.19. The proposed dormer would go a long way towards restoring the uniformity and symmetry across the front of the whole building at nos 54 and 56. The situation is analogous to a hip to gable roof extension often being found acceptable on a semi-detached house where the other half of the pair already has such an extension. It is interesting to note that the owner of no. 54 has confirmed that he soon wishes to build this form of extension pursuant to application no. D0258.19 at which point full symmetry between the pair would be achieved.
11. I am satisfied that the proposed front dormer would not appear oversized or too dominant in the context of its immediate surroundings. This finding is aided by the degree to which in certain views part of the dormer would be obscured by the sizeable front-projecting wings of the host property and neighbouring properties and by the dormer at no. 54.
12. I have noted the proposed use of tiles for the front dormer, as stated on the application form, and matching fenestration details. In my view, it would be acceptable to clad the dormer in small plain tiles to match the recent refurbishment to the main roof or to use a painted render to copy the approach taken at no. 54. Any render to be used should be coloured to match the host property below, rather than the pale yellow render applied to the dormer at no. 54, unless pale yellow render is to be applied to the main front wall of no. 56 in the final refurbishment scheme.
13. I consider that the proposed front dormer would offer a visually appropriate solution, exhibit a high standard of design, be sufficiently complementary, sympathetic and subordinate to the parent building and be respectful of the established street scene along The Grove. I therefore conclude on the main issue that the proposed front dormer would not result in harm to the character and appearance of the dwelling or its surroundings.
14. As the front dormer would satisfactorily respond to the distinctive local building forms and patterns of development, respect the scale, massing and height of the surrounding physical context and at least maintain and complement the character and appearance of the local area, there would be no conflict with the aims of Policy DC61 of the Council's Core Strategy and Development Control

Policies Development Plan Document adopted in 2008 or with the Framework insofar as it relates to achieving well-designed places.

15. The Council's decision notice, correctly in my view, did not identify an excessive loss of amenity for neighbouring properties for any reason.
16. I have had regard to the conditions suggested by the Council and the appellant. In addition to a condition setting a time limit for the commencement of development, a condition requiring that the development is carried out in accordance with the relevant approved drawings is necessary as this provides certainty. I have also imposed the Council's suggested condition on matching materials to ensure that the development would preserve the character and appearance of the locality. In the interests of privacy, I have added the 2 further conditions suggested by the Council so as to require obscured glazing in the proposed ground floor openings in the southern side elevation serving a utility room and a bathroom and to prevent the future insertion of flank windows other than those shown on the approved plans.
17. The appellant has suggested a condition whereby the position, size and external finish of the proposed dormer window should match that of the front dormer window at no. 54. The plans themselves accurately depict the position and size of the proposed front dormer and for the reasons I set out in paragraph 12 above its external finish should be guided by the materials on the host property. Condition 3 in the decision above will therefore suffice in these circumstances.
18. For the reasons given above and having regard to all other matters raised and the absence of objections from any local residents, I conclude that this appeal should be allowed.

Andrew Dale

INSPECTOR