



Appeal Decision

Site visit made on 14 December 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2021

Appeal Ref: APP/K3415/D/21/3279682

14 Reindeer Road, Fazeley B78 3SN

- 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 Leigh Bishop against the decision of Lichfield District Council.
 - The application Ref 21/00638/FUH, dated 2 April 2021, was refused by notice dated 2 July 2021.
 - The development is the erection of two storey side and rear extensions to include new dormers within the first-floor rear roof extension.
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Decision

1. The appeal is allowed, and planning permission is granted for erection of two storey side and rear extensions to include new dormers within the first-floor rear roof extension at 14 Reindeer Road, Fazeley B78 3SN in accordance with the terms of the application, Ref 21/00638/FUH, dated 2 April 2021, and the plans submitted with it.

Procedural Matter

2. At the time of my site visit, the works included within the application had been undertaken in accordance with the submitted plans.

Main Issues

3. The main issues in this appeal are:
 - the effect of the development upon the character and appearance of the surrounding area; and
 - the effect of the development upon the living conditions

Reasons

Character and appearance

4. The appeal site consists of a detached dwelling located within a residential area. Dwellings in the surrounding area are constructed to a variety of different designs. Planning permission was previously granted for an extension. Whilst an extension has been constructed, it differs from that previously permitted given that it features dormers on the side roof slopes.
5. Whilst the extension that has been constructed differs from that previously permitted, the appeal site is located in an area characterised by the presence of dormers on a number of roof slopes. These include dormers of different sizes and constructed from different materials palettes and fenestration patterns.

6. In addition, some of the surrounding buildings are constructed with dormers within the side roof slope. Whilst these are smaller than the development that is the subject of this appeal, they contribute to a generally varied prevailing character.
7. In consequence, when taken in this context, the dormers that are lacking in windows, would not appear incongruous. In addition, the design of the dormers is such that they are sited below the ridge line of the extension and above the eaves of the roof. This means that the dormer windows are a subordinate addition to the roof slopes and therefore the development does not erode the scale of the existing dwelling.
8. The dormers have been constructed from materials complimentary to those used on the rest of the extension's roof and those utilised on the roof of the original dwelling. In result, the dormers harmonise with their immediate surroundings in terms of the existing dwelling.
9. In addition, there is a significant separation distance between the appeal site and the dwellings at the rear. Views from the directly adjoining dwellings at 12 and 16 Reindeer Road are typically made at an oblique angle. These factors mean that the dormers are not a prominent addition to the building.
10. The development is visible from the nearby Sambar Road. However, such views are only available from the spaces in between buildings and take place against a backdrop of other buildings. Therefore, views of the development would only take place on a fleeting basis and would not be incongruous.
11. Views of the proposed development from Reindeer Road itself are very limited due to the pattern of development in the street. Therefore, the development would not be prominent or erode the character of the vicinity.
12. I therefore conclude that the development does not have an adverse effect upon the character and appearance of the surrounding area. The development is therefore in conformity with the requirements of Policies CP3 and BE1 of the Lichfield District Local Plan Strategy (2015) (the Local Plan). Amongst other matters, these seek to ensure that developments protect and enhance the character and distinctiveness of Lichfield District and its settlements; and respect the character of the surrounding area and development.

Living conditions

13. The appellant's dwelling is located as part of a broadly linear pattern of development. Therefore, the dormers face the gardens of the neighbouring properties of 12 and 16 Reindeer Road.
14. Although the dormers are sited in the roof slopes of the extension, they are set back from the shared boundaries of the neighbouring properties. In addition, they are located within the proportions of the extension as originally intended.
15. In addition, the neighbouring properties feature relatively large gardens. As the dormers have a relatively short length, this means that the overall effect upon the outlook of users of the neighbouring gardens would be neutral.
16. Although the dormers are visible from the gardens of the neighbouring properties, they are viewable against a backdrop of existing buildings and the main body of the extension. With the exception of the dormers, the extension

is of a height and depth consistent with the previously approved details. Therefore, the dormers are viewed in a more developed context.

17. For these reasons and the fact that the dormers are set back from the ridge height and eaves of the extension, the dormers do not result in a significant overbearing, or enclosing, effect on the occupiers of the neighbouring properties.
18. Furthermore, views from the rear elevation windows of the neighbouring properties are typically made at an oblique angle. This means that views of the dormers from the rear elevation windows of the neighbouring properties are limited in scope. This, when combined with the set-back from the side boundaries of the dormers, would prevent a loss of outlook to the occupiers of rooms served by windows on the rear elevation of the neighbouring dwelling.
19. Furthermore, the dormers would be no closer to the neighbouring properties than the rest of the extension that has been constructed. This, when combined with the height of the dormers, would prevent a loss of outlook to the gardens of the neighbouring properties arising from the installation of the dormers.
20. In addition, owing to the separation distances between the dormers and the properties to the rear of the appeal site are sufficient to prevent a loss of outlook to users of their gardens or rear elevation rooms.
21. The loft window is larger than that previously approved by the Council. However, given the degree of change, combined with the separation distances between properties and the layout of properties in the surrounding area, the change would not result in a loss of privacy to neighbouring occupiers.
22. I therefore conclude that the development does not cause an erosion of living conditions, though a loss of outlook, to the occupiers of the neighbouring properties. The development, in this regard, complies with Policies CP3 and BE1 of the Local Plan. Amongst other matters, these seek to ensure that new developments protect the amenity of residents and have a positive impact on amenity.

Other Matters

23. Concerns have been raised regarding the effect of the development on property values. Whilst I am appreciative of such concerns, I am conscious that such a matter falls outside of the planning system to consider. Therefore, this does not outweigh my findings in respect of the main issues.

Conditions

24. Given that the development has been constructed, it is not necessary to impose conditions regarding the implementation of the development, the approved plans or the materials from which it is constructed.
25. The Council has suggested a condition that would prevent the occupier of the dwelling from undertaking alterations to the permitted development. The effect of such a condition would prevent the occupiers from undertaking any alteration that would normally be permitted development.
26. However, the National Planning Policy Framework is clear that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The evidence before me is not

indicative that such a broad restriction would be appropriate in this specific instance. In consequence, such a condition would not be necessary or reasonable.

Conclusion

27. For the preceding reasons, I conclude that the appeal should be allowed, and planning permission granted.

Benjamin Clarke

INSPECTOR