

Appeal Decision

Site visit made on 3 January 2022

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS
an Inspector appointed by the Secretary of State.

Decision date: 12th January 2022

Appeal Ref: APP/N1540 /D/21/3282269
25 Cooks Spinney, Harlow CM20 3BJ

- 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 McLean against the decision of Harlow District Council.
 - The application Ref HW/HSE/21/00356, dated 17 June 2021, was refused by notice dated 12 August 2021.
 - The proposed development is to raise the ridge height of pitched roofs to accommodate the construction of a rear box dormer for a loft conversion.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The local planning authority (LPA) refers in its officer report to the Harlow Draft Design Guide addendum. This was adopted by the Council in December 2021, and I have determined the appeal based on the development plan for the area including the adopted Harlow Design Guide Supplementary Planning Document 2020 (SPD) and the Design Guide addendum (DGA).

The Main Issues

3. The main issues are the impact of the development upon (i) the character and appearance of the area and the host property and (ii) the living conditions of the occupiers of neighbouring properties in respect of outlook.

Reasons

Character and appearance

4. The appeal property is in a predominantly residential area and is a two-storey dwelling with a two-storey side extension and other additions.
5. The proposed development is for a rear box dormer following the roof being lifted by approximately 650mm. The dormer would extend along almost the

whole length of the rear elevation and its roof would be approximately at the same level as the main ridge of the dwelling.

6. The proposed roof lift would make the host dwelling taller than its immediate neighbours, though the relative change in height would be minimal and I consider that no material harm would be caused to the overall character of the area when seen from the access road.
7. The proposed dormer would be seen by the occupiers of the properties facing it. On my site visit I also saw that it would also be visible from the public realm between No's 24 and 27 and between 27 and 28 Cooks Spinney. By virtue of its length across most of the rear elevation of the host property, its height just below the ridge and its limited set-in from the side elevations, it would appear as a bulky and incongruous addition to the dwelling, thereby representing poor design.
8. In addition, the roof design of the box dormer would be unrelated to the design of the rest of the dwelling with its double pitched roof. The SPD notes that *'dormers are not a characteristic of Harlow's residential areas and are not likely to be permitted where they are visible from the public realm'*. The DGA adds that *'dormer windows are, as a principle, uncharacteristic of Harlow's residential areas and are not likely to be permitted where they are visible from the public realm'*. I have noted that it would be seen from public vantage points.
9. For the above reasons, I conclude that the proposed development would not accord with the design, character and appearance requirements of policy PL1 of the Harlow Local Development Plan 2020 (LP); the SPD and its addendum, or the National Planning Policy Framework 2021 (the Framework).

Living conditions - outlook

10. The appeal site has a relatively small rear garden and is surrounded by neighbouring properties. The distance between the host property and its neighbour to the rear is limited and is estimated by the LPA to be approximately 15 metres.
11. While the windows to the proposed dormer would have a slight set back from the rear elevation, it would have a greater height than existing windows and would, in effect, add a third storey to the property. However, when considering the distance between the host property and its neighbour to the rear I do not consider that it would result in an unacceptably adverse enclosing impact on the occupants of the property directly opposite, to the detriment of their outlook.
12. Therefore, I conclude that the proposed development would not be contrary to policy PL2 of the LP which aims to preserve or enhance the level of amenities of existing and future occupiers in the local area, including any overbearing impact. In addition, it would not be contrary to the SPD which has the same aim.

Conclusion

13. I have concluded that the proposed development would not have a seriously adverse, enclosing impact upon the living conditions of the occupants of the neighbouring property immediately to the rear of the host property. However, this would not overcome my conclusion that the proposed dormer would represent poor design, and for this reason I conclude that the appeal should be dismissed.

Steven Hartley

INSPECTOR