



Appeal Decision

Site visit made on 8 February 2022

by Peter Willows BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2022

Appeal Ref: APP/B3030/C/21/3274100

6 Windsor Road, Newark on Trent NG24 4HS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Gregory Dimanche against an enforcement notice issued by Newark & Sherwood District Council.
 - The notice, numbered 21/00018/ENFB, was issued on 23 March 2021.
 - The breach of planning control as alleged in the notice is, without planning permission development consisting of the enlargement of the roof of the dwelling house through the erection of a dormer on the rear and side elevations.
 - The requirements of the notice are:
 1. Reverse all works undertaken to the roof structure so that the roof is returned to its condition prior to the development having commenced, including:
 - A. Demolish and remove the dormer and all associated works undertaken to enlarge the roof of the dwelling, shown within Figures 1, 2 & 3.
 - B. Undertake remedial works in order to return the roof of the dwelling to its condition prior to the development having taken place, as shown within figures 4, 5 & 6. This requires the use of materials to match the original roof of the dwelling to ensure that the scale, form, design, and detailing matches the dwelling prior to the development having been undertaken.
 - The period for compliance with the requirements is 12 months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matter

2. The appellant has submitted drawings showing a modified version of the dormer in order to address some of the Council's concerns. In determining this appeal, I am not able to consider any entirely new scheme. However, in accordance with s177 of the Act, I am able to consider granting planning permission in respect of 'the matters stated in the enforcement notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters'.
3. The revised scheme is fundamentally similar to the scheme as built, but includes a sloping element on the front section of the dormer. This change would reduce the bulk of the dormer somewhat, but it would remain

recognisably the same development. In my judgement, the modified scheme can be regarded as part of the dormer as built and targeted by the enforcement notice. Accordingly, as it is part of 'the matters stated in the enforcement notice as constituting a breach of planning control', I am able to consider whether planning permission should be granted for the modified scheme as an alternative to the scheme as built. I return to this later.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the house and the area.

Reasons

5. The appeal property is a traditional, 20th Century semi-detached house in a mature residential area. It is built of red brick with a hipped roof, finished in tiles. The road features many similar houses.
6. The dormer is very large and covers the whole of the rear roof slope. It continues around the side of the roof, leaving little of the side slope either. It extends right down to the eaves and rises so that it is roughly level with the ridge of the original roof. As a result, it appears far too large in its context and the shape of the original hipped roof has been lost. Moreover, the addition destroys the symmetry of the semi-detached pair.
7. The dormer is finished in grey metal cladding, which does not complement or match either the roof tiles or the brickwork of the house. The large flat roof of the dormer does not reflect any characteristic of the original building. Overall, the dormer is an ungainly addition which wholly fails to take account of the style and materials of the original house. Consequently, it has a marked negative impact on the character and appearance of the building.
8. Moreover, the dormer is highly prominent. The side element is easily seen from some distance away on Windsor Road. Gaps between the dwellings mean that the rear element is also in clear view from other roads. Consequently, given its unsatisfactory appearance, the dormer harms the character and appearance of the area. This brings it into conflict with the design aims of Core Policy 9 of the Council's Amended Core Strategy and policies DM5 and DM6 of the Council's Allocations and Development Management Development Plan Document. There is conflict too with the Council's Householder Development Supplementary Planning Document, which seeks to ensure that additions respect the scale and form of the host dwelling.
9. I am mindful that the Council granted planning permission for a similar dormer in June 2020. Many of my concerns regarding the as-built dormer would also apply to that scheme, which has the same design ethos, would also wrap around the side and rear roof slope and use the same materials. However, the appellant advises that the original plans were inaccurate, showing the height of the house incorrectly. This apparently accounts in part for the difference between the scheme as permitted and as built. On the face of it, therefore, it would not be possible to build the permitted scheme.
10. In any event, there are some significant differences between the two schemes. In particular, the approved scheme showed that the top of the dormer would

be more than half a metre below the ridge of the original roof¹. The appellant's latest drawings, on the other hand, show a gap of just 65mm², an amount so small that, in practice, it is not perceptible in views from the ground. As a consequence, while the approved scheme would also have been a bulky addition, the as-built scheme overwhelms and dominates the original roof, causing very significant harm to the character and appearance of the house.

11. Additionally, the original scheme would have left a small gap to the eaves of the original roof and would also have included a sloping section in order to reduce the bulk of the side element of the dormer. Neither of these feature in the as-built scheme, adding further to its relative bulk and dominance.
12. The revised scheme now proposed by the appellant would modify the dormer to introduce the sloping element at the front from the scheme the Council approved. While this would reduce the bulk of the dormer a little, the effect would be marginal and would not change the overall visual impact of the development. In particular, it would not overcome the harm arising from the apparent increase in the height of the dormer in relation to the original roof. Consequently, the modified scheme would also be unacceptable, for the reasons I have already given.
13. I am told that the dormer as built is actually of a similar volume to the approved dormer, the apparent increase in size arising from the original house being approximately 400mm lower than originally thought. The appellant points out the difficulties that this has caused, having regard to the need to maintain heights within the second floor and comply with the Building Regulations.
14. However, the house forms the context for the dormer and the Council was entitled to assume that the submitted drawings portrayed it with sufficient accuracy to show how the development would actually appear. Anyone consulted on the scheme would have similar expectations. The appearance and scale of the dormer in relation to the roof of the building is fundamental to considering its visual impact. Consequently, even if the volume of the dormer as built is similar to that permitted, this is a different development, with a plainly different visual impact. The fact that the submitted drawings carried a note suggesting that the building might not have been adequately surveyed does not remove the appellant's responsibility to provide drawings that are fit for their intended purpose.
15. My attention has been drawn to some nearby developments. A prominent rear dormer on a house in nearby Dunholme Avenue is also close to the ridge of the main roof. However, while that also has a grey finish, it is not of a comparable design, being on a single roof slope only and drawn in from the eaves and the gable end. A house of modern design, using what appears to be grey metal panelling similar to that used at the appeal property, is located in a nearby road, but that is an entirely different type of development, and is not comparable to this addition to a traditional semi-detached house.

Conclusion

16. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on

¹ See Drawing No STWN0001_WINDSOR B106 4

² Drawing No STWN0001_WINDSOR B106 6 shows a gap of 174mm, but I have assumed the more recent drawing No STWN0001_WINDSOR C106 1 to show the relative heights of the dormer and the house more accurately.

the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Peter Willows

INSPECTOR