



Appeal Decision

Site visit made on 15 February 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2022

Appeal Ref: APP/L2440/D/21/3284177

5 Silvertown Road, Oadby LE2 4NN

- 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 Ms Rekha Lakhani against the decision of Oadby and Wigston Borough Council.
 - The application Ref 21/00356/FUL, dated 11 July 2021, was refused by notice dated 2 September 2021.
 - The development proposed was originally described as 'two storey side, single storey side/rear extension plus erection of rear dormers to accommodate loft conversion.'
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Decision

1. The appeal is dismissed.

Background

2. Planning permission was granted in January 2019 (Council Ref 18/00490/FUL) for extensions to the side and rear of the dwelling, along with two small dormer windows within the rear roof slope facilitating a loft conversion. The dormer windows were included on revised plans submitted during the course of the application, following the Council's initial advice that a larger dormer, similar to that built and now subject to this appeal, would not be supported.
3. The appellant states that her planning agent did not inform her that amended plans had been approved, and work proceeded on the basis of the original plans, with the extensions in question now largely constructed on site. It is against this background that permission was subsequently sought to retain the development. The Council considered the proposal as seeking retention of the works as built, and I have approached the appeal on the same basis.

Main Issue

4. The main issue is the design of the rear dormer window and its effect on the character and appearance of the area.

Reasons

5. The appeal relates to a semi-detached dwelling located around the head of a short cul-de-sac comprising both detached and semi-detached two storey dwellings. Whilst their scale is roughly consistent, there is variety to the architecture and materials of the dwellings. The dwelling has a hipped roof, a feature common to many dwellings surrounding the appeal site.
6. The rear dormer window is a flat roofed structure occupying the majority of the rear roof slope. It is set just below the main ridge and is recessed slightly above the eaves. Its façades are clad in dark grey roof tiles. In these respects,

the structure built on site accords with the submitted plans; however, the fenestration on site does not match the proposed plans which show a door with a Juliet balcony. The fenestration across the rear elevation below also differs slightly from the plans.

7. The dormer window forms a significant addition to the dwelling which physically and visually dominates the rear roof slope and the dwelling more generally. Its box shape does not reflect any design characteristic of the original dwelling, nor does it reflect its original scale, the previous hipped roof having been much narrower in width. Instead, it extends almost to the full depth of the roof slope between the ridge and eaves. As a result, it appears far too large for the roof slope and rather than forming a proportionate addition to it, it changes its overall form. The dormer also erodes any symmetry at the roof level of the semi-detached pair.
8. Moreover, the dormer changes the scale of the dwelling as a whole as it creates a physical third storey to the rear which conspicuously increases its size relative to the prevailing two storey scale of neighbouring dwellings. This increased and imposing scale is clearly seen from properties to the rear on Malton Drive and Dove Rise, and the effect is exacerbated due to these dwellings standing at a slightly lower ground level.
9. Beyond the site itself, I saw that dormer windows are not an established feature of the immediate surroundings. Therefore, the example at No 5 forms an uncharacteristic and incongruous addition to the townscape which is visible from several dwellings to the rear and side, but can also be seen from within the cul-de-sac of Malton Drive through the gap between Nos 12 and 14, where its large box shape stands in sharp contrast to the traditional roof styles of the dwellings in the foreground.
10. In terms of detailed design, the use of roof tiles on the façades of the dormer may match their use to other parts of the roof, but the dark grey colour contrasts sharply with the light brickwork of the dwellings below. This creates a top heavy and unbalanced composition, drawing the eye in a negative fashion with the dormer appearing to loom over the dwelling in an overbearing manner. The windows as installed also fail to align with the fenestration below. The alternative fenestration on the submitted plans, showing a door with Juliet balcony would be equally discordant and unbalancing to the overall composition of the rear elevation. There is also an array of conspicuous pipework on the rear façade that extends crudely down over the eaves and onto the rear elevation which adds to the incongruous appearance of the dormer.
11. In these respects, the dormer conflicts with the guidance of the Residential Development Supplementary Planning Document (April 2019) (the SPD) which sets out that, among other things, dormer windows should relate in scale and style to the original dwelling, that the size of the dormer should be restricted so the main roof slope remains the dominant feature, that it should have a pitched roof and that it should not create a top heavy appearance to the dwelling.
12. By comparison, the previously permitted scheme would include two small dormer windows with pitched roofs that would form modest and sympathetic additions to the roof slope that would not alter the general shape of the roof or the overall scale of the dwelling, consistent with the guidance of the SPD. As such, the permitted scheme would not present an equivalent or greater degree of harm than the appeal scheme. Consequently, this fall-back scheme would

not justify granting the appeal proposal and is not a matter attracting favourable weight in the planning balance.

13. The appellant also refers to the dwelling retaining its permitted development (PD) rights to construct a hip-to-gable extension and a rear dormer. It is added that the dormer constructed would fall within the volume limits for roof extensions. However, to achieve this would require works to be undertaken to the original dwelling in a specific order. Given that development has already taken place which has altered the original roof slope, there is not a realistic prospect of PD rights now being exercised as a fall-back option. As such, I afford very limited weight to this as a material consideration.
14. I also note the Council's indication that the case referred to by the appellant at Turner Rise constituted PD and therefore is not a comparable situation to the present appeal, which I have considered on its own merits.
15. Having regard to the evidence before me, therefore, I conclude that the rear dormer window represents poor design which causes significant harm to the character and appearance of the area. This results in conflict with Policies 6 and 44 of the Oadby and Wigston Local Plan 2011-2031 (April 2019), which require the highest standards of design and materials in new development and that proposals respect existing local character and patterns of development.

Other Matters

16. The Council did not oppose the application on the basis of harm to neighbours' living conditions, referring to the fact that windows would be installed in a similar position under the approved scheme, albeit as part of separate dormer windows. I note the comments of a neighbour in this respect. Having viewed from the dormer towards the neighbouring property, I am satisfied that the degree to which overlooking would occur would not be materially greater than the approved scheme. However, the absence of harm in this respect would be a neutral factor weighing neither for nor against the proposal.
17. I have noted minor differences between the fenestration as built and that shown on the plans, whilst the Council refers to an additional window and door in the side wall of the garage that are not on the submitted plans. However, given my findings in respect of the main issue, it is not necessary for me to deal with these discrepancies, as it would not affect the outcome of the appeal.
18. Having regard to the background set out above, I sympathise if the appellant was misled by her planning agent; however, this is a separate matter not relevant to the planning merits of the appeal, and not something upon which I can place discernible weight in the planning balance.

Conclusion

19. For the reasons set out, the dormer window significantly harms the character and appearance of the area and the appeal scheme conflicts with the development plan, taken as a whole. Material considerations in this case do not indicate that planning permission should nevertheless be forthcoming in spite of this conflict. Therefore, I conclude that the appeal should be dismissed.

K. Savage INSPECTOR