
Appeal Decision

Site visit made on 14 April 2022

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th APRIL 2022

Appeal Ref: APP/E2001/D/22/3292531

3 Kirkham Road, Bridlington YO16 6ER

- 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 T Finney against the decision of East Riding of Yorkshire Council.
 - The application Ref 21/02865/PLF, dated 27 July 2021, was refused by notice dated 9 December 2021.
 - The development proposed is described as a loft conversion.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the description of development in the banner heading above, the Council's refusal notice more accurately describes the proposed development as the '*construction of dormer windows to front and rear with Juliet balcony to rear and installation of first floor window to side to allow loft conversion*'. I have determined the appeal on this basis.

Main Issue

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

Reasons

4. The development includes a rear dormer with Juliet balcony and a side window serving a dressing room which the appellant says would be fitted with opaque glass. In respect of the former development, the Council state that this would be permitted development. I have no reason to disagree with the Council that this would be permitted development and, in that regard, it is acceptable in planning terms. The side window would be acceptable in terms of its appearance and subject to it being fitted with opaque glass, there would be no unacceptable overlooking of the neighbouring property.
5. The point of dispute between the main parties relates to the proposed front dormer. While the dormer would be acceptable in so far that it would not take up a disproportionate amount of roof space, it would nevertheless incorporate a flat roof which would not assimilate well with the pitched roof of the main house. In this regard, there would be some conflict with the Council's Design

Guide for Home Extensions (Design Guide) which states that '*flat roofs are less likely to harmonise with an existing pitched roofed building*'.

6. The above harm would be compounded by virtue of the fact that the defining characteristic of this part of the estate relates to a cul-de-sac of mainly brick built bungalows that are positioned in a linear form and with unbroken roof slopes. While the front gardens may not all be the same, there is nevertheless a pleasing and distinctive sense of design uniformity amongst the bungalows in Kirkham Road.
7. In the context of the above, the front roof dormer would represent a striking and discordant addition when seen in Kirkham Road, departing unacceptably from the unbroken and simple roof form that predominates in the immediate locality. In addition, the introduction of a front roof dormer in what is a prominent location would upset the design balance and symmetry that exists in respect of the pair of semi-detached bungalows.
8. I acknowledge that there are examples of front dormers that exist elsewhere within the wider estate, although these are not appreciated by passers-by in the same visual context as the appeal site. Furthermore, most of the dormers referenced by the appellant relate to house types that are materially different to the appeal bungalow.
9. While the side window would be acceptable subject to the imposition of a planning condition, and the rear dormer would be acceptable given the undisputed permitted development position, I conclude that significant harm would nonetheless be caused to the character and appearance of the area arising from the proposed front dormer. Consequently, when the development is considered as a whole, it would not accord with the design, character and appearance requirements of policy ENV1 of the East Riding Local Plan 2006, Chapter 12 of the National Planning Policy Framework 2021 and the Design Guide.

Other Matters

10. The appellant has commented that the space is needed for their daughter who is unable to afford a house of her own. I do not doubt that this is the case, but the appellant has indicated that they intend to build out a permitted development rear dormer. Therefore, a refusal of planning permission does not mean that it would not be possible to increase the amount of floorspace relating to the appeal property.
11. The appellant has referred to permitted development rights relating to the provision of additional floors on existing dwellings subject to first seeking prior approval from the Local Planning Authority. There is no guarantee that a prior approval application for such development would be approved by the Local Planning Authority. This is not, therefore, a matter that alters or outweighs my conclusion on the main issue.

Conclusion

12. For the reasons given above, I conclude that the development as a whole would not accord with the development plan for the area and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR