



Appeal Decision

Site visit made on 14 June 2022

by Diane Lewis BA(Hons) MCD MA LL M MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2022

Appeal Ref: APP/Q0505/C/21/3277522

Land at 30 Maids Causeway, Cambridge CB5 8DD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Ms Xi Lin against an enforcement notice issued by Cambridge City Council.
 - The enforcement notice, numbered EN/00149/21, was issued on 28 May 2021.
 - The breach of planning control alleged in the notice is failure to comply with a condition imposed on a planning permission ref 19/1682/FUL granted on 5 March 2020.
 - The development to which the permission relates is:
Rear dormer roof extension (including the addition of two front roof lights), internal alterations to external French doors and rear elevation to ground floor.
 - The condition in question is No 2 which states that:
The development hereby permitted shall be carried out in accordance with the approved plans as listed in this decision notice.
 - The notice alleges that the condition has not been complied with in that:
The entire roof structure has been raised during the build of the rear loft dormer extension and therefore has not been built to plans passed.
 - The requirements of the notice are:
 1. EITHER
Revert to the build of the rear loft dormer at the Land as per plans passed in relation to planning permission ref 19/1682/FUL for Rear dormer roof extension (including the addition of two front roof lights), internal alterations to external French doors and rear elevation to ground floor.
OR
Remove the rear loft dormer and reduce the height of the roof structure (as outlined in blue on attached plan for identification purposes only) at the Land to the previous height and make good the resulting structure.
 2. Remove all resulting materials from the Land.
 - The period for compliance with the requirements is Six [6] months.
 - The appeal is proceeding on the grounds 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 and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal site and surroundings

2. 30 Maids Causeway is a terraced house within the Kite Conservation Area. The Conservation Area Appraisal (CAA) identifies No 30 as a building of local interest, noting that the building is three storeys with a basement and set back from the pavement and No 28. The description in the CAA highlights features enhancing the front elevation, including the ground floor bay window and the panelled front door. The adjoining residential terrace immediately to the east, Nos 32-50 (even), are Grade II listed buildings, which date to c1825 and are of varying height, some with an attic storey. The appellant acknowledges that No 30 has significance as a visually important component of the conservation area and the setting of adjacent listed buildings.
3. At the rear Salmon Lane runs parallel to Maids Causeway. On the northern side the narrow lane is fronted by outbuildings within the plots of the residential properties. To the south is the elevated open car park to the Grafton Shopping Centre. Part of Salmon Lane and the Grafton Centre fall outside the Conservation Area. Views of the back and roof of No 30 are gained from Salmon Lane and from the car park the building is seen within the context of the roof tops of the Maids Causeway terrace buildings.

The Appeal and Main Issue

4. As set out in the banner details above, planning permission was granted for works to No 30 that included a loft conversion. The enforcement notice is directed at the alterations, including the formation of a dormer extension that were carried out to the principal roof of the building. The appellant accepts that the alterations are not in accordance with the approved plans and specifically refers to the rear dormer being approximately 30cm above the height for which permission was granted.
5. In the ground (a) appeal the associated deemed planning application is to carry out the development granted planning permission without complying with the condition being enforced against. The appellant is seeking permission for the development carried out and has not put forward any alternative for consideration.
6. The main issue is whether condition 2 is reasonable and necessary, taking into account the effects of the development on the host building, the character and appearance of the conservation area and on the setting of the nearby listed buildings.

Reasons

7. Before the works took place, the dwelling had a pitched roof covered in slates. The approved plans show the main external alterations to the roof would be the insertion of two roof lights in the front roof slope and the formation of a flat roofed dormer within the rear roof slope. There is no indication that the eaves and ridge height of the roof would change. As built, there has been a small increase in the roof height, an increase in the size of the dormer and the introduction of a soffit and fascia along the eaves line to the rear roof slope. The appellant has explained that during construction heavy steelwork had to be introduced to ensure the stability of the structure and as a consequence the dormer was raised by approximately 30cm.

8. As viewed from Maids Causeway, the roof conversion and extension has not detracted from the appearance of the building itself or the terrace. The effect on the significance of the designated heritage assets is essentially neutral. When the building is viewed from the rear, the dormer is a prominent feature on the host building and within the wider roof scape.
9. The approved plans indicated that the dormer would sit relatively comfortably within the roof. As built the dormer is set back from the eaves and is below the current ridge height, however it is of different proportions and has a heavier appearance. In particular the height of the window cill above the roof slope appears greater, resulting in an increased amount of lead cladding below the window cill and possibly to the sides. The dormer has a vertical emphasis, resulting in a less satisfactory and more dominant appearance. On a matter of detail, the single set of casement windows also have an adverse effect on the overall proportions and appearance, introducing a larger element than the two sets illustrated on the approved plan¹.
10. The limited number of dormers that are present in the listed terrace and nearby buildings are smaller and are better related to the roof slope than the dormer at No 30. This factor also contributes to the new dormer appearing unduly dominant and out of keeping within its surroundings. Therefore I disagree with the heritage impact assessment that states the dormer window still reflects the box dormer extensions in the immediate area, sits well in terms of materials and is of a size and design which respects the existing building.
11. In conclusion, the development does not respond positively to its context and is not compliant with Policy 55 of Cambridge Local Plan 2018 (the Local Plan). The alteration and extension are not of a size and design that respects the character and proportions of the original building and surrounding context. The rear flat roofed dormer is not of an appropriate scale and detailed design and as a result it fails to contribute to local distinctiveness, complement the built form and scale of heritage assets and fails to respect the appearance and setting of the locality. As such there is an adverse impact on the setting of the listed buildings and on the appearance of conservation area and the local heritage asset, contrary to Policies 58, 61 and 62 of the Local Plan. Policy 56 on creating successful places, has little relevance to this type of householder development.
12. In terms of the National Planning Policy Framework, the development results in less than substantial harm to the significance of the designated heritage assets. No public benefit is claimed to weigh against this harm. In the balancing exercise I give considerable importance and weight to the desirability of preserving the setting of listed buildings and to the desirability of preserving or enhancing the appearance of the conservation area.
13. I have been mindful that the planning permission granted on 5 March 2020 allowed for a rear loft dormer to be constructed. The requirements of the notice provide for reversion to the approved scheme, which if carried out would not cause the harm I have identified. The differences are significant. Consequently, the existence of the fallback does not justify retention of the as built roof extension.

¹ The notation on approved plan is in the alternative and is not specific as to the use of one or two sets of casement windows

14. Turning to other considerations, in the pre-application advice, the local planning authority was concerned about the size of the dormer and suggested that the dormer be moved further up from the eaves to reduce the massing and improve the position within the roof slope. The approved plan incorporates this advice whereas the as built dormer does not.
15. The appellant has drawn attention to the proposed increase in ridge height at 48 Maids Causeway. Little information is provided to enable any meaningful comparison to be made with the appeal extension but the available information indicates that no dormer was proposed at No 48. In any event the increase in ridge height per se is not the objectional element in the unauthorised works at No 30.
16. I have read and considered the support expressed by neighbours for the development but I have come to a different conclusion as explained above.
17. There is no appeal on ground (g) regarding the length of the compliance period. That being so a reasonable expectation is the remedial works would not take longer than six months. Against this background the appellant's concerns about the availability of builders and building materials and the impact on neighbours have little weight. Any disruption would be short lived. The required works would be in the public interest and whilst there probably would be interference with the appellant's home and family, the interference would be necessary and proportionate.

Conclusion

18. The development is not in accordance with the development plan and is not supported by national policy set out in the Framework. There are no other considerations of sufficient weight to overcome the strong policy objections.
19. For the reasons given above the development is not acceptable and the appeal should not succeed. Condition 2 and the approved plans listed in the decision notice are reasonable and necessary to protect the historic environment. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Diane Lewis

Inspector