



Appeal Decision

Site visit made on 12 July 2022

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th July 2022

Appeal Ref: APP/M1520/D/22/3295578

19 Jotmans Lane, BENFLEET, SS7 5AX

- 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 Mrs Sarah Tyler against the decision of Castle Point Borough Council.
 - The application Ref. 21/1167/FUL, dated 20 December 2021, was refused by notice dated 17 February 2022.
 - The development proposed is the erection of two dormers with dual pitched roofs to the front roof slope of the property.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two dormers with dual pitched roofs to the front roof slope of the property at 19 Jotmans Lane, BENFLEET, SS7 5AX, in accordance with the terms of the application, Ref. 21/1167/FUL, dated 20 December 2021, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: K1024-PL-001 Rev.A; K1024-PL-012 Rev.A; K1024-PL-013 Rev.A; and K1024-PL-014 Rev.A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. Since the appeal was determined, the Council has withdrawn its Local Plan 2018-2033 which had been through the examination process. However, as no development plan policies were cited in the reason for refusal this has not affected my assessment of the appeal proposal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the appeal property, the semi-detached pair of which it forms part and the street scene.

Reasons

4. The appeal property is a semi-detached dwelling in a residential area that appears cohesive as a result of its building styles and construction periods. The dwelling is on the southern side of Jotmans Lane, within a stretch of similarly designed single-storey properties. However, in keeping with the wider area, some of these have been extended with rooms in the roof. The northern side of Jotmans Lane contains a more varied range of two-storey properties, and these contrasting styles contribute to the perception of a mixed street scene.
5. The appeal property and the attached dwelling, No.17, were built with hipped roofs. The symmetry of the pair has been disrupted by a hip-to-gable roof extension at the appeal property, and a flat roofed rear extension and four front rooflights, all of which are visible in the street scene.
6. There are few semi-detached pairs in Jotmans Lane where one side has a hipped roof and the other a gable, but this is more commonplace in the adjoining streets. Similarly, although there are no close examples in Jotmans Lane of one half of a pair having front dormer windows and the other unaltered, this can be found within a short walking distance on the wider estate. Semi-detached dwellings in Jotmans Lane, where each has a large flat roofed front dormer, have not ensured symmetry due to variations in size, fenestration and materials.
7. The Council's 'Residential Design Guidance 2012' (RDG) has been adopted as a Supplementary Planning Document, with the Council acknowledging that it is to be applied more flexibly than policy. Guidance note RDG7 seeks to ensure that the roof design of any development is compatible primarily with the dwelling, but should also be informed by the prevailing character of the area and surrounding roof forms. It advises that poor forms of roof development must not be repeated, unless it would rectify an unbalanced or unsymmetrical pair or group of dwellings.
8. In accordance with RDG7, the proposed dormer windows would have pitched roofs, and although positioned reasonably close to the ridge they would otherwise provide substantial roof verges. As a result of their size and proportion they would not dominate the front roof slope.
9. RDG7 seeks to resist proposals which would result in the detrimental disruption or loss of symmetry to a pair or group of dwellings. However, this semi-detached pair are already asymmetrical as a result of the previous roof extensions to the appeal property, and I do not consider that this proposal would be materially more disruptive to that symmetry. Indeed, the replacement of four rooflights with two well-proportioned dormer windows would enhance the character and appearance of the dwelling, and in so doing, the semi-detached pair.
10. Whilst I note the Council's view that pitched roofed dormers would be out of character with other properties in the street, there are many examples of pitched roofed dormer windows in the surrounding streets, one of which is nearby at the entrance to Appleton Road. In this context, I do not find flat roofed front dormers in Jotmans Lane to be so prevalent as to be a defining characteristic; and to replicate flat roofed dormer windows because some exist in Jotmans Lane would be out of step with the RDG guidance, and the aims set out in paragraph 130 of the National Planning Policy Framework (the

Framework), for development to be visually attractive as a result of good architecture, to be sympathetic to local character and to establish or maintain a strong sense of place. It is not dormer design which has created a sense of place in the area, and the proposal would not undermine the prevailing local character.

11. The Council has drawn attention to a number of appeal decisions. Whilst no plans have been supplied, from the decisions, none appear to be directly comparable to the appeal proposal: at 33 Greenways¹, the Inspector found that the dormer would appear dominant on the roof slope, which would not apply in this case; at 92 Common Lane², the semi-detached pair were still symmetrical and with only "a few exceptions" the bungalows retained their original roof forms. Dormers did not form part of the visual context of the appeal property, whereas there are other nearby dormer windows in Jotmans Lane. Again, the scale of the dormer window was considered to be overly dominant.
12. At 3 Tollgate³, the Inspector found that the proposal would remedy some imbalance by matching a gable on the attached property, but found no harm by then adding a dormer window. Noting both neighbouring dormer windows and "unencumbered front roof slopes", the Inspector found no material harm to the character and appearance of the area. At 10 Leighfields⁴, the Inspector noted that the symmetry of the pair had "already been somewhat diminished" by a half-hip to gable roof extension and rear dormer. Weight was placed on the presence of other dormer windows in Leighfields and adjacent streets, with the Inspector finding that they are very much part of the character and appearance of the area. I have concluded the same in this case.
13. I am mindful of the site's 'planning history', and that two dismissed appeals included front dormer window(s), with the most recent in 2008 being a large 'box style' and therefore very different from the current proposal. However, assessing this proposal on its own merits and against the current physical and policy context, I consider it to be acceptable.
14. I therefore conclude that the proposal would be appropriate in its impact on the character and appearance of the appeal property, the semi-detached pair of which it forms part and the street scene. It would be consistent with the design aims of RDG7 and those set out in the national policies of the Framework.

Conditions

15. In addition to the standard time limit, I have attached a condition specifying the approved drawings as this provides certainty. It is also appropriate to control materials to match the existing dwelling, in order to safeguard the character and appearance of the development and the area.

Conclusion

16. For the above reasons, I conclude that the appeal should be allowed.

H Lock

INSPECTOR

¹ APP/M1520/D/20/3264684

² APP/M1520/D/21/3279557

³ APP/M1520/D/21/3277268

⁴ APP/M1520/D/20/3252464