



Appeal Decision

Site visit made on 6 July 2022

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 28 July 2022

Appeal Ref: APP/W4705/C/22/3294101
21 Buttermere Road, Bradford BD2 4JA

- 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 Mr Kabir Ahmed against an enforcement notice issued by City of Bradford Metropolitan District Council.
 - The enforcement notice is dated 24 February 2022.
 - The breach of planning control as alleged in the notice is: Without planning permission, the construction of a dormer window to the rear roof plane of the building on the land, as shown in the photograph attached to the notice.
 - The requirements of the notice are: 1. Demolish the rear dormer window and reinstate the rear roof plane of the building to its former appearance. OR; 2. Replace the grey cladding material on the front wall of the rear dormer window with material which is a similar appearance to that used on the roof of the property.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(c) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Preliminary Matters

2. The appeal is made on ground (c) alone, which is that the matters alleged in the notice do not constitute a breach of planning control. Under this ground, the onus of proof is on the appellant. I note that the appellant raises concerns of prejudice against him, but this matter is outside the scope of the appeal, and should be followed up by the appellant through the appropriate channels as necessary.
3. I note also the appellant's reference to other dormer windows in the area, and also to the quality of the work regarding his rear dormer, and the fact that it does not face the road. However, these arguments go to the planning merits of the development, which could only be considered under ground (a). The appeal is proceeding solely on ground (c), which is a legal ground and relates only to facts of the case and the relevant legal context.

Reasons

4. Schedule 2, Part 1, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, subject to a number of limitations and conditions. Of the conditions set out in Schedule 2,

Part 1, Class B.2, the Council's sole concern relates to paragraph (a), which advises that 'the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse'.

5. The 'Permitted development rights for householders - Technical Guidance' document ('the Guidance', September 2019, Ministry of Housing, Communities and Local Government) states that this condition is intended to ensure that an addition to the roof will have an appearance that minimises visual impact and will be sympathetic to the existing building. To that end, materials should be of similar visual appearance to those in the existing house, but conversely, they do not need to be the same materials or match exactly. The visual impacts of the materials used will be the most important consideration.
6. The Guidance goes on to say that, in the case of a dormer window, facing materials should appear to be of similar colour and design to the materials used in the main roof of the house when viewed from ground level.
7. In this case, the main roof of the house is covered in dark grey tiles. The dormer sides are finished in vertical slates or tiles that are thinner, but similar in terms of their colour and design. However, the main face of the dormer is clad in horizontal boarding. It is not clear from the evidence exactly what material this boarding is made of, but it gives the appearance of painted timber.
8. This material is finished in a dark grey colour that is close to the colour of the roof. Nonetheless, when viewed from ground level, the horizontal boarding effect introduces a new design element that is not found elsewhere in the existing roof of the house. On that basis, the dormer structure falls outside the conditions of paragraph B.2.a and so is not permitted development. Planning permission is therefore required for the development, and there is no evidence that such a permission exists.
9. On the basis of the evidence before me, ground (c) must fail.

Conclusion

10. For the reasons above, the appeal is dismissed and the enforcement notice is upheld.

Elaine Gray

INSPECTOR