



Appeal Decision

Site visit made on 16 August 2022

by H Wilkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th September 2022

Appeal Ref: APP/W5780/W/22/3290404

Flats 1 & 2, 18 Lynford Gardens, Seven Kings IG3 9LY

- 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 Daljit Singh Nijjer against the decision of London Borough of Redbridge.
 - The application Ref 4161/21, dated 21 October 2021, was refused by notice dated 6 December 2021.
 - The development proposed is described as remove chimney. Single storey rear extension. Loft conversion with rear dormer. Three front rooflights.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, with particular regards to the size and position of the rear dormer window.

Reasons

3. The appeal property lies within a residential area, characterised by 2 storey terraced housing. The appeal property itself occupies a terrace location. Whilst the rear elevations of neighbouring properties have been altered and extended, the roofscape is largely unaltered. This pattern of development together with the reoccurrence of chimney stacks along the row, positively contributes to the character and appearance of the area.
4. The Council's Housing Design Supplementary Planning Document 2019 (SPD) indicates that dormer extensions should be subordinate within the roof slope. It sets out that rear dormers should therefore be symmetrically located, be at least 0.5m below the ridge of the roof, 1m above the eaves and set in 1m from a shared boundary and from the edge of the roof. The proposed dormer extends the whole width of the roof slope, between the parapet walls on either side failing to reflect any of the aforementioned design criteria, which apply to all types of houses.
5. Although the external materials would be in keeping with the appeal property, by reasons of its size and position, the dormer would dominate the roof slope resulting in a visually intrusive form of development that would neither represent high quality design nor be subordinate to the existing building.

6. Whilst noting that some properties within the host terrace have full width, or close to full width, box dormers, the roofscape of this particular terrace is largely unaltered. As such, it cannot be said that such dormers form the prevailing pattern of development within the host terrace or characterise the area in which the proposed dormer would be appreciated. My attention has also been drawn to a number of dormer windows within the wider area which the appellant contends are of a similar scale to the appeal proposal. Whilst this may be the case, they are located within separate terraces, one of which lies on the opposite side of the road. Consequently, they do not form part of the character and appearance of the host terrace. Therefore, although it has been put to me that the proposed dormer is a typical proposal on a terraced house and views of it would generally be limited to rear gardens, I find that the proposal would harm the character and appearance of the appeal property and surrounding area. The lack of comparability with the proposal at 15 Cleveland Road does not lead me to a different conclusion.
7. I am told that the aforementioned dormers were permitted development (PD) by virtue of the rights prescribed within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order [GPDO] 2015 (as amended). Whilst mindful of the appellant's comments regarding potential conflict between the GPDO and SPD guidance, and that other existing dormers exceed the SPD guidance, the PD rights set out in the GPDO do not apply to flats, and so permission is required, nonetheless. Development proposals requiring permission need to be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore, whilst I sympathise with the appellant and recognise that they designed the dormer using planning portal guidelines and that other properties in the locality could theoretically erect similar dormers, the evidence does not persuade me that the proposed development is justified on this basis.
8. Amongst other aspects, the purpose of Policy LP26 is to secure high quality development within the borough. Notwithstanding the appellant's comment regarding the relevance of policy LP26, as the policy text specifically refers to all development proposals, this policy is pertinent to the appeal.
9. For the reasons outlined above, I conclude that the proposed development would harm the character and appearance of the surrounding area, with particular regard to the size and position of the dormer. I therefore find that it conflicts with Policies LP26 and LP30 of the Redbridge Local Plan 2018 (LP). Amongst other aspects, these policies seek to ensure development respects existing character and integrates with its surroundings. I also find the proposal to be inconsistent with the Council's Housing Design SPD which seeks to encourage high quality design.

Other Matters

10. I am mindful of the appellant's desire to enhance the efficiency and quality of the accommodation and acknowledge that the Council's decision notice and delegated report raised no concern regarding the other works listed within the development description or the effect of the proposed development on the neighbours' living conditions. I also note the appellant's suggestion that they cannot build a front dormer and that a smaller rear dormer window would create unusable loft space although this is not evidenced in the appeal. Whilst having regard to these points, they do not outweigh the harm identified above.

Conclusion

11. For the reasons outlined above, having regard to the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

H Wilkinson

INSPECTOR