
Appeal Decision

Site visit made on 7 October 2022

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/N1540/D/22/3304062
65 Mallards Rise, Harlow, Essex CM17 9PL

- 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 Nicola Colley against the decision of Harlow Council.
 - The application Ref: HW/HSE/22/00198, dated 11 May 2022, was refused by notice dated 14 June 2022.
 - The development proposed is a front dormer and the insertion of 3 front roof lights.
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Decision

1. The appeal is allowed, and planning permission is granted for a front dormer and the insertion of 3 front roof lights at 65 Mallards Rise, Harlow, Essex CM17 9PL, in accordance with the terms of the application Ref. HW/HSE/22/00198, dated 11 May 2022, subject to the following conditions:
 - (i) The development hereby permitted shall begin no later than three years from the date of this decision.
 - (ii) The development hereby permitted shall be carried out in accordance with the following approved plans: submitted location plan; 65/01B and 65/02B.
 - (iii) 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. While the application form describes the proposed development as the construction of a dormer, the appeal forms and the local planning authority (LPA) describe it as for a dormer and the insertion of 3 front roof lights. I have used the latter description both in the banner heading and in the decision as it reflects what is shown on the submitted plans.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the dwelling and its immediate area.
4. 65 Mallards Rise is a detached L-shaped, two-storey dwelling where approximately half its ridge runs parallel to the access road in front of it and

the other half runs at right angles to it, towards the access road and which has a two-storey gable. The proposed front dormer would be located on the roof running parallel to, but set back somewhat from, the access road. Some properties in the immediate area have a similar layout and elevations, while others with a different design, are also two storey and have a comparable palette of external materials.

5. The proposed dormer would be of modest dimensions and would have a double pitched roof and would be set down well below the existing ridge to the property.
6. The appellant has referred to a plan purporting to be to a previous planning approval (Ref 01/393) date stamped 5 November 2001 but has noted that this approval has now lapsed. This predates the adoption of the Harlow Local Development Plan 2020 (LP) and therefore I only afford it limited weight.
7. In addition, the appellant has included photographic details of other properties in the wider area which have dormer windows to front elevations. The LPA concedes that other properties in the area were constructed with front formers but considers that their circumstances were different in that such dormers are positioned in less conspicuous places. The appellant refers to one such dwelling with a front dormer on the opposite side of the road to the appeal property. I was able to note on my site visit that this property and its dormer is very similar to what is proposed for the appeal building.
8. Also on my site visit, I was able to see that, apart from the dormer on the property opposite the appeal dwelling, roofs in the immediate vicinity are unbroken by dormers. Equally, there is an absence of roof lights, though the LPA raises no design objections to the proposed 3 roof lights and I see no reason to disagree.
9. The proposed dormer would be of a modest size and would be constructed on that part of the roof which is furthest from the road and would be located well below the existing ridge line. Its proposed double pitched roof would be reflective of the much more dominant two storey gable which faces the road. In this context, the dormer would be seen as a subordinate addition to the dwelling.
10. There would be some conflict with the terms of the Harlow Design Guide Supplementary Planning Guidance 2011 (SPG) which is generally resistant to dormer windows which are visible from the public realm. However, in this instance, by its limited size and its location, set back from and dominated by the existing two storey gabled part of the property, its impact upon the public realm would be very subdued. While there is generally an absence of dormers in this street, the immediate context of the appeal dwelling includes a dormer on another property which is similar in size and appearance. In view of these matters, coupled with the varied style and appearance of properties in the street, in this case I find that there is justification for allowing planning permission despite the conflict with the SPG.
11. Therefore, I conclude that the proposal would accord with policy PL1 of the LP which requires high quality urban design. It would also conform to paragraph 130 of the National Planning Policy Framework 2021 (the Framework) which requires the same.

Conditions

12. Planning permission is granted subject to the standard three-year time limit condition. For the avoidance of doubt and in the interests of certainty it is necessary to impose a condition requiring that the development is carried out in accordance with the approved plans.
13. In the interests of good design, it is necessary to impose a condition relating to external materials.

Conclusion

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

S. Hartley

INSPECTOR