



Appeal Decision

Site visit made on 31 October 2022

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2022

Appeal Ref: APP/A0665/W/22/3301166

Llomond, Crescent Drive, Helsby, Frodsham WA6 9QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Andrew Walker against the decision of Cheshire West & Chester Council.
 - The application Ref 21/04830/FUL, dated 8 November 2021, was approved on 11 May 2022 and planning permission was granted subject to conditions.
 - The development permitted is enlargement of existing rear dormer.
 - The condition in dispute is No 3 which states '*notwithstanding the drawings hereby approved, the external surfaces of the side and rear roof dormer hereby approved shall be faced with vertical hanging tiles, matching in colour and texture to the existing external roofing material of the existing dwelling*'.
 - The reason given for the condition is '*to ensure that the external appearance of the development is appropriate to its surroundings*'.
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Decision

1. The appeal is allowed and the planning permission Ref 21/04830/FUL for the enlargement of existing rear dormer at Llomond, Crescent Drive, Helsby, Frodsham, WA6 9QN granted on 11 May 2022 by Cheshire West and Chester Council, is varied by deleting condition 3 and substituting it for the following condition:

(i) The rear dormer hereby approved shall be faced in render and in an off-white colour to match the colour and finish of the render used on the existing dwelling. The rear dormer shall thereafter match the colour and finish of render used on the rest of the dwelling.

Main Issue

2. The main issue is whether condition No 3 of planning permission 21/04830/FUL is necessary taking into account the character and appearance of the area.

Reasons

3. The submitted planning application form for planning permission 21/04830/FUL states that the rear dormer would be finished with off-white rendered 'cheeks' to match the existing render used on this part brick, part rendered detached dwelling.
4. The local planning authority (LPA) did not produce an officer report in respect of the planning application proposal and, in this regard, there is no detailed reasoning relating to why it decided to impose a condition requiring the rear dormer to be faced in vertical hanging tiles to match the colour and texture of

the existing external roofing material. However, as part of this appeal the LPA indicate that they did discuss the matter with the appellant and that the decision to allow a non-pitched roofed dormer was in the context that a permitted development dormer would have been required to be constructed in a material to match the roof of the existing dwelling.

5. There is a mixture of styles of dwelling in this pleasant residential area. There is design consistency in terms of the use of brick and render to the walls of the dwellings. Where a limited number of dormers do exist in the locality, they are not always finished in a material that matches the main roof of the host property.
6. In this case, the rear dormer would be positioned to the rear of the dwelling. It would be visible from Sandringham Avenue, albeit at an angle, and would be seen against the first floor pitched roof projection of the host property which is faced in an off-white rendered material. In this context, I find that the proposed dormer would assimilate well with the design and appearance of the appeal property and would remain subordinate in scale and its use of material to the main roof of the dwelling. I consider that the use of an off-white rendered material to the front and sides of the dormer would not look out of place within the street-scene.
7. While the Council's SPD: House Extensions and Domestic Outbuildings 2021 (SPD) states at section 5.2 that '*proposals for rear and side dormers that are subordinate to the roofscape, and have a similar appearance to the existing roof material will be supported*', this does not specifically prohibit the use of a dormer material that would be different to the main roof. Indeed, such an approach would be very restrictive and would not enable a balanced assessment of a proposal in the context of the design of a specific property and its area.
8. I do not therefore find that the deletion of condition 3 would lead to any material conflict with the SPD. In this case, I find that the use of an off-white rendered finish for the rear dormer would be acceptable in design terms. Consequently, the proposal would accord with the character, appearance and design requirements of policy ENV6 of the adopted Cheshire West and Chester Council Local Plan (Part 1) Strategic Policies and policy DM 21 of the adopted Cheshire West and Chester Council Local Plan (Part 2) Land Allocations and Detailed Policies.
9. In reaching the above conclusion, I am aware that a permitted development dormer would need to be finished in a material that matched the main roof of the house. That may be the case, but that in itself does not mean that the dormer material has to match in respect of a proposal for express planning permission. Indeed, I do not share the Council's view that the non-pitched roof dormer is only acceptable if it is finished in a material to match the main roof of the house.
10. I therefore conclude that condition 3 of planning permission 21/04830/FUL is not necessary. I shall allow the appeal subject to the imposition of a new condition that requires the rear dormer to be faced in render and in an off-white colour to match the colour and finish of the render used on existing house.

Conclusion

11. For the reasons given above, I conclude that the appeal should succeed. I will vary the planning permission by deleting condition 3 and substituting it for a different condition to reflect the original planning application proposal.

D Hartley

INSPECTOR