



Appeal Decision

Site visit made on 15 December 2022

by P. D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2023

Appeal Ref: APP/W0530/D/22/3307239

2 Duck End, Girton CB3 0PZ.

- 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 Ms Navir against the decision of South Cambridgeshire District Council.
The application ref 21/04742/HFUL, dated 28 October 2021, was refused by notice dated 22 August 2022.
 - The development proposed is demolition of existing garage and store, erection of single storey side and rear extension and rear dormer and 3 front dormers.
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Decision

1. The appeal is dismissed in respect of the southern side extension and front and rear dormers.
2. The appeal is allowed and permission is granted for the erection of single storey north end side extension, rear extensions and porch extension at 2 Duck End Girton in accordance with the terms of the application ref 21/04742/HFUL, dated 28 October 2021 and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans as far as they are relevant to the single storey north end side extension, rear extensions and porch extension hereby permitted: GM2-03, GM2-04, GM2-06, GM2-07.

Procedural Matters

3. The description of the application as submitted did not properly refer to all elements of the application and a revised description was agreed by the parties. I have therefore used the revised description taken from the decision notice and appeal form for the purposes of this decision amended further in the light of the split decision.
4. The appellant has raised concerns that advice given by the Council through the determination of the application has not been consistent with that given at the start which has resulted in work being carried out prior to permission being in place. However, as anyone commencing development without permission does so at their own risk this is not a matter I will consider in my determination. If the appellant considers there are grounds for complaint these should be taken up through the Council's own complaints procedure.

Main Issues

5. The main issues are whether the proposed development would have a detrimental impact on the:

- character and appearance of the host dwelling, its surroundings on Duck End and the setting of the neighbouring listed buildings.
- living conditions of present and future occupants in neighbouring properties in 3, 5 and 7 Duck End and North End in terms of overlooking and light levels.

Reasons

6. The appeal property in its pre-existing form was a single storey, modern, detached house in brick and tile with an attached garage store to the side and rear. It stands on Duck End facing onto a green area and turning circle with its gable end facing north onto Duck End itself. The pre-existing property would have been largely screened by the tall mature hedge bounding the road.
7. To the north-west of the appeal property there is a terrace of three small, Grade II listed cottages 3, 5 and 7 Duck End which are two storey finished in white render. They have small courtyard gardens to the rear with shared access along the back. A large, detached house (North End) lies south-west of the appeal property.
8. The proposed extensions to the north and south sides of the property, to the rear and to the roof at the time of my visit were all complete. It has been put to me that as the majority of this work would have been permitted development it was considered acceptable to commence construction. I have also been invited to conclude that, as the majority of the dormer roof extension would have been permitted development, there is a 'fallback' position covering much of the proposed works and the addition of the section over the side extension would have minimal additional impact. However, the proposed roof extension, taken as a whole, required permission both by virtue of the side extension at the south end which is not permitted development under Schedule 2 Part 1 Class A.1j) of the *General Permitted Development Order* and by virtue of the front dormer windows which are not permitted development under Class B.1c) of the same. These elements are physically and functionally part of the first floor accommodation and it is clearly the appellant's intention to extend significantly beyond the limits of permitted development as it has already been constructed. I therefore attach little weight to the argument that a 'fallback' exists and I will assess the appeal case on its own merits.
9. It has also been put to me that the form of development in Duck End is a mix of styles and types of housing with no clear character predominating. Whilst that may be true, what is evident is that the character of roof forms are, in the main, all pitched roof forms. There is no flat roof box dormer as visible and dominant in views from the public domain as is the case with the appeal property within the immediate vicinity.
10. The scale, particularly the length and height of the rear dormer and its massing means that the whole is not subservient to the original property. It completely dominates the rear roof slope, extending unbroken along its whole length and height with the exception of a very small verge of original roof plane along the eaves and at the sides. It is a disproportionate design solution which is out of keeping with the character and appearance of the original house.
11. Moreover, the effect of this scale and massing is not contained to the rear of the property. Because No 2 is gable end on to Duck End the box dormer is clearly visible from the public domain in the view from both directions along the lane. Furthermore, it is from the lane that the dormer is also seen in close juxtaposition to and within the setting of the listed buildings. The view looking at No 2 together

with No 3 from the north-east and prior to the dormer being installed would have been characterised by sloping pitched roofs and although No 3 has a ground floor flat roofed extension this is well recessed and very small and generally not visible behind the boundary hedge to No 2. No other flat roofs are visible in the streetscape. With the box dormer complete, this pitched roof character is changed significantly to the detriment of the setting of the listed building at No 3.

12. In the view from the west along the rear of the listed buildings the impact of the completed dormer is also detrimental to the setting of the rear elevation of the listed cottages totally dominating their setting.
13. The front dormers are modest in scale and the finished result is in keeping with the character of the cottage and would otherwise be acceptable. However, because they are physically and functionally part of the design of the roof accommodation, its extension and the box dormer they cannot be the subject of a split decision and granted permission separately.
14. It appears to be common ground between the parties that the single storey rear and side extensions and the porch extension are all acceptable. Having assessed these on site I have no reason to disagree. Although in total covering a significant area, they are subordinate to the original house not extending higher than the existing eaves level. Some of the extension elements - the porch extension, the side rear infill at the north end of the house and the kitchen extension are capable of being physically and functionally separated from the extension works to the south end of the main house and as such could be allowed in a split decision. The rear utility wing does structurally and functionally extend slightly into the work to the south end of the main house. However, in the interests of regularising as much as possible of the currently unauthorised development that is acceptable I will also allow the rear single storey flat roofed extension accommodating the utility room and rear kitchen clear of the footprint of the main house.
15. It is not possible to allow the appeal for the rest of the southern side extension at ground and first floor as these elements are physically and functionally linked to too great a degree with the roof extension in the form of the box dormer which is the unacceptable element as explained above.
16. The *National Planning Policy Framework* (the Framework) at paragraph 130 requires that developments must be sympathetic to local character to create high quality buildings and spaces amongst other things and in these respects the proposal fails. Policy HQ/1 of the *South Cambridgeshire Local Plan* (SCLP) reflects the Framework in requiring development to be of the highest design quality and preserve or enhance local character. It requires, amongst other things, that development should be compatible with its location and appropriate in terms of scale, mass, form, siting, design, proportion, materials, texture and colour in relation to the surrounding area. For the above reasons i.e. the scale, form and massing of the roof extension in the form of the box dormer, this element of the proposal would have an unacceptable impact on the established character and appearance of the host dwelling and its surroundings contrary to Policy HQ/1.
17. As set out above the requirements of the Framework at paragraphs 199 and 200 and SCLP Policy NH/14 (which requires development to sustain and enhance the significance of heritage assets including their settings), would not be met. I accept that the harm to the setting of the listed buildings would be less than substantial and in these circumstances the Framework at paragraph 202 allows for any public benefits of the proposal to be taken into consideration. In this case the appellant has presented no public benefits other than what she argues is an improved appearance to the frontage onto Duck End. However, I am not persuaded that this

would outweigh the harm from the box dormer. Any other benefit from the extension would be a largely private benefit to the owners of the property. As such the harm to the setting of the listed buildings would not be outweighed and the proposal fails to at least preserve the setting, contrary to Policy NH/14.

Living Conditions

18. Regarding the impact of the appeal proposals on the living conditions for occupants of North End to the rear of the appeal property I acknowledge that there would be overlooking of the front of the property and that the distance to the common boundary would be less than that advised in design guidance. However, the total distance and angle of view between the dormer windows and North End's windows would be such that there would be no loss of privacy. There would be substantial and direct overlooking of the front area of North End but this is used principally as the property's parking and turning area rather than any evident use as private amenity space and therefore only limited harm would result.
19. In terms of the impacts on Nos 3, 5 and 7, it has been put to me that there would be both overlooking and loss of light as a result of the appeal proposals. During the site visit I had the opportunity to view the neighbouring properties from the rear dormer windows (already complete). It was evident that in terms of Nos 3 and 5 a combination of No 3's own rear extension and the garden room outbuilding to No 2 (completed and not part of this application), meant that there was minimal opportunity for overlooking from the dormer into the rear courtyard gardens. In respect of No 7, the upper part of the northern-most window in the dormer is visible from part of the courtyard and there might be a perceived loss of privacy for the occupants using their courtyard but the distance involved would be such that it would not be dissimilar overlooking to what exists elsewhere in the vicinity between upper windows and neighbouring gardens.
20. Regarding light levels, the principal impact on light levels to the courtyard gardens to Nos 3, 5 and 7 is from the outhouse/garden room to No 2 constructed under permitted development rights and not part of the application. It is possible that morning sunlight to the rear elevation of the three properties would be impacted by the dormer roof extension in the winter when the sun is low in the east / south-east but the additional impact over that already occurring as a result of the outhouse/garden room to No 2 is likely to be minimal.
21. I am not persuaded that the impact on the living conditions for the neighbouring properties would conflict with Policy HQ/1n) of the SCLP and be sufficient in its own right to warrant dismissing the appeal on those grounds. However, a redesign of the roof extension to resolve the detrimental impacts on character and appearance set out above would provide the opportunity to resolve the minor impacts on living conditions for neighbours at the same time.

Other Matters

22. I have had regard to the Public Sector Equality Duty contained in the Equality Act 2010 and understand the appellant's wish to provide extended and improved accommodation and in that way make sustainable and effective use of housing land, an objective which is encouraged by the Framework in Section 11. However, paragraph 124 in the same section of the Framework states that this should not be at the expense of maintaining an area's prevailing character and setting. As such, sustainable and effective use of the dwelling would not outweigh the harm to the character and appearance of the building and the neighbouring listed buildings.

Conclusion and Conditions

23. I have considered the conditions proposed by the Council which included those relating to timing and development in accordance with plans. As the development is completed and the application is retrospective there is no need for the timing condition. It is however important that a condition requiring development to be carried out in accordance with submitted plans is attached so that, in the event that the completed development is not in accordance with the plans, the Council can take action as appropriate.
24. The Council did propose a condition restricting the use of the single storey rear extension roofs as roof terraces. However, as I am not allowing the element of the application relating to the roof extension and rear dormer this condition is not required at this time.
25. In reaching my decision I have had regard to the matters before me and, for the reasons above, I will issue a split decision. The appeal in respect of the southern side extension at ground and first floor together with the roof extension in the form of the rear box dormer and front dormers is dismissed. The appeal in respect of the proposals in respect of the porch extension, single storey side/rear extension at the north end of the property and the single storey kitchen and utility wing extensions, outside of the footprint of the main house, is allowed and planning permission is granted for these elements subject to the condition above.

P. D. Biggers

INSPECTOR