



Appeal Decision

Site visit made on 19 January 2023

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 February 2023

Appeal Ref: APP/V2255/D/22/3304403

2 Sea View Villas, First Avenue, Queenborough ME11 5JL

- 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 Jamie Batt, against the decision of Swale Borough Council.
 - The application Ref 22/501973/FULL, dated 19 April 2022, was refused by notice dated 13 July 2022.
 - The development proposed is described on the application form as "Planning application to correct as built rear elevations to those passed on planning application 19/506006/SUB".
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The matter in dispute in this appeal concerns a rear dormer extension. Permission was granted for such development but that constructed differed from the approved scheme. Despite the development having been built and the Appellant's belief that this was permitted development, I must consider the appeal strictly on its own planning merits.

Main issue

3. The main issue in this appeal is the effect on the character and appearance of the host dwelling and locality.

Reasons

4. The appeal concerns a semi-detached dwelling with two storeys below the eaves. The Council's Supplementary Planning Guidance (SPG), Designing an Extension, A Guide for Householders, indicates that dormer extensions should be in proportion with the roof and either square or have a vertical emphasis. They should also be no deeper than half the depth of the roof slope. These are sound design principles which should be afforded some weight in this appeal.
5. The flat-topped rear dormer addition only has a fairly minimal gap to the eaves below while it spans virtually the full length of the main roof, which has been extended to the side. Despite being set down from the ridge it clearly has a depth greater than half that of the roof slope. As a consequence, it is an excessively bulky and elongated feature with an undue horizontal emphasis. Rather than being in proportion, it unacceptably dominates the rear roof slope.

Due to these factors, it is also unsympathetic and poorly related to the host dwelling.

6. Moreover, this detrimental visual impact is readily apparent from the public open space to the rear due to the property being directly opposite and in fairly close proximity. The addition is a particularly unusual feature seen from here as the vast majority of dwellings in First Avenue visible from the open space do not have roof extensions at the back. Although the dwelling attached to that at the appeal site has a roof addition to the rear, this is particularly modest in size and scale and also has a mono-pitched roof. In this context, the excessive bulk and scale of the roof extension has unbalanced the pair of dwellings. As a consequence of these factors, the dormer addition is an unduly prominent and visually obtrusive feature.
7. For the above reasons, I conclude that the development has harmed the character and appearance of the host dwelling and locality. It therefore conflicts with Policies CP 4, DM 14 and DM 16 of Bearing Fruits 2031: The Swale Borough Local Plan July 2017, which seek to secure new development of an appropriate scale and design, as well as with the SPG.
8. The Council indicates that on the basis of calculations it has made the dormer addition could not be built under permitted development. This is because with the enlargement of the original roof from the two-storey side extension the allowance for roof extensions has been exceeded. The Appellant suggests that if removed then built separately from the rest of the overall development the dormer would be permitted development. Unlike the Council no explanation has been offered for this position or any volume calculations referred to. Moreover, the specific claim of the Council has not been disputed and I find this evidence significantly more convincing.
9. In any event, the potential fall-back scheme would be the same as the built addition. Therefore, allowing this appeal would offer no obvious benefit such as preventing a more harmful development from being implemented that could be considered to positively weigh in favour of the proposal. Due to all the above factors, I can attach no more than fairly minimal weight to this matter.
10. A neighbour is concerned that removing the addition would result in disturbance to residents from matters such as noise and parking. However, I cannot require its removal in this decision. In any event, activity arising from this would be for a finite period and not be a sound reason to allow this appeal.
11. The Appellant indicates that the addition is beneficial to the use of the upper floor area. However, the improved accommodation has been achieved at the unacceptable expense of the quality of the built environment. In the above circumstances there are no other considerations that would justify accepting such a harmful development and it is determined that the appeal fails. In reaching this decision I have considered representations made by neighbours in support of the application.

M Evans

INSPECTOR