



Appeal Decision

Site visit made on 26 May 2023

by Peter Willows BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2023

Appeal Ref: APP/C4235/C/22/3309597

Land at 26 Broomfield Road, Heaton Moor, Stockport SK4 4ND

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended.
 - The appeal is made by DMK Properties Northern 1 Limited against an enforcement notice issued by Stockport Metropolitan Borough Council.
 - The notice was issued on 29 September 2022.
 - The breach of planning control as alleged in the notice is Without the benefit of planning permission, the construction of 3 dormer roof extensions to the rear roof slope of 26 Broomfield Road.
 - The requirements of the notice are:
 1. Remove the two box style and one apex style dormer roof extensions from the rear slope of 26 Broomfield Road.
 2. Restore the roof so that in terms of its slope and design it replicates the roof prior to the unauthorised development, including the small original dormer close to the party wall with the adjoining semi-detached property as depicted in the aerial photograph number 1 using clay rosemary roof tiles which are an exact match for those used on the front slope.
 3. Remove all materials used to construct the dormer roof extensions from the land.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is varied by deleting 'Six months' from section 6 (Time for compliance) and substituting 'Twelve months'.
2. Subject to that variation, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Ground (a)

Main Issue

3. The main issue is whether the dormers preserve or enhance the character or appearance of the Heaton Moor Conservation Area, within which the building lies.

Reasons

4. The Heaton Moor Conservation Area Character Appraisal describes the conservation area as the development of an affluent railway suburb of the late nineteenth and early twentieth century, over-laying earlier field and settlement patterns. Both the early and later residential roads give a strong overall definition to the area. The predominant architectural influences are said to be Free Gothic Revival and Arts and Crafts, with building materials predominantly red brick with yellow brick and stone detail, eclectic decorative finishes, slate and tile roofs. These descriptions are consistent with what I saw during my site visit. The character, materials and detailing of the 19th and 20th Century buildings along streets such as Broomfield Road contribute to the significance of the conservation area.
5. The appeal property is a semi-detached house, now converted to flats. It is constructed of red brick with a red tiled roof. The notice targets 3 dormer extensions on the rear roof slope. The central dormer has a pitched roof. It is flanked by flat-roofed dormers to either side. The vertical surfaces of the dormers are hung with tiles. The dormers are set well below the ridge of the roof and are also set in from the outer edge and the eaves. Nevertheless, they are set very close to each other, resulting in a cluttered appearance. Moreover, they occupy nearly the whole width of the roof slope, dominating it as a result. Consequently, they cause significant harm to the character and appearance of the rear elevation of the house.
6. The rear roof slope originally featured a dormer window, but this was of a very different 'catslide' type. This design seems to be characteristic of the area and can be seen on neighbouring buildings. Thus, the original dormer does not indicate that the 3 very different dormers now in place are visually satisfactory.
7. My attention has been drawn to other dormers in the locality. However, I have only limited information regarding the location of these and the background to their construction. But in any event, I saw nothing of a comparable intrusive appearance within sight of the subject dormers.
8. The dormers are on the rear roof slope, and consequently cannot be seen from Broomfield Road. However, they are in clear view from nearby Lea Road, from where they can be seen through a gap between houses. They will also be visible from some nearby properties and gardens. Thus, the character and appearance of the area is affected by the development. The Heaton Moor Conservation Area Management Plan identifies the further erosion of character through the carrying out of unsympathetic unauthorised works as a threat to the key characteristics of the conservation area.
9. For these reasons I conclude that the development has harmed the character and appearance of the conservation area and its significance. That harm is limited, given that the front elevation is not affected. Nevertheless, it is sufficient to give rise to conflict with Policies SIE-1 and SIE-3 of the Council's Core Strategy and Policy HC1.3 of the Stockport Unitary Development Plan Review. Together these policies seek to protect the built environment and the historic environment, including conservation areas.
10. Paragraph 202 of the National Planning Policy Framework (The Framework) advises that, where (as here) a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm

should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this case, while the dormers may improve the internal living space, the benefit of this does not outweigh the harmful appearance of the development and the harm to the significance of the conservation area.

11. The appellant has submitted plans showing revisions to the windows in the dormer extensions, but the changes are minimal and would not alter the scale or form of the dormers. Consequently, altering the development as proposed would not address my concerns.
12. A neighbour has expressed concern that overlooking occurs as a result of the dormer windows. However, I am not persuaded that they add materially to the general overlooking of rear gardens that must take place anyway due to windows on the rear elevation of the appeal property and its neighbours. Consequently, this consideration has no bearing on my decision.
13. For the reasons set out above, the appeal on ground (a) fails.

Ground (g)

14. The appellant has let the property and requests further time so that the tenant can be given the required notice to enable the works to be carried out. A 12-month period is requested. I do not have evidence to demonstrate the need specifically for a 12-month period and am mindful of the desirability of remedying the breach of planning control without undue delay. However, the Council does not oppose this change and a 12-month period may arise from the terms of a tenancy agreement. Consequently, given the Council's stance on the matter, I will vary the notice to allow a 12-month period for compliance. Accordingly, the appeal on ground (g) succeeds.

Conclusion

15. For the reasons given above, I conclude that the appeal should not succeed on ground (a) but should succeed on ground (g). I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Peter Willows

INSPECTOR