



Appeal Decision

Site visit made on 15 August 2023

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2023

Appeal Ref: APP/J4423/C/22/3312495

121 Norton Lane, Sheffield S8 8GX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended.
- The appeal is made by Mrs Jane Hammerton against an enforcement notice issued by Sheffield City Council.
- The notice was issued on 8 November 2022.
- The breach of planning control as alleged in the notice is Without planning permission the erection of a front dormer extension.
- The requirements of the notice are to:
 - (i) Remove the front dormer extension; and
 - (ii) Either:
 - a) Reinstall the roof to its previous condition (a smaller dormer as per approved planning application 07/01559/FUL); or
 - b) Make good the roof using facing materials to match the existing roof.
- The period for compliance with the requirements is:
Six 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.

Summary Decision: The appeal is allowed, the enforcement notice is quashed and planning permission is granted in the terms set out below in the Formal Decision.

Formal Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the front dormer extension, at 121 Norton Lane, Sheffield S8 8GX as shown on the plan attached to the notice.

Preliminary Matters

2. Planning permission¹ was granted in 2007 (the 2007 scheme) for the installation of a dormer window at the front of the appeal property. More recently, an application for planning permission² was granted in 2019 (the 2019 scheme) for various alterations and extensions to the appeal property, including the erection of a dormer window to the rear. It is understood that the front dormer window previously granted planning permission by the 2007 scheme was still in place in August 2022³ prior to its replacement by the dormer window extension which is now the subject of this appeal.
3. It is stated in the Council's submission that there are other discrepancies between the previously approved plans (2019 scheme) and what has been built. However, it appears that the Council do not object to those matters which

¹ LPA Ref No: 07/01559/FUL

² LPA Ref No: 19/01698/FUL

³ LPA Enforcement Report: Section 5, first photograph

are not, in any event, referred to within the notice. It is not therefore necessary for me to consider them any further.

4. I have not been supplied with copies of the full text of either Unitary Development Plan⁴ (1998) (UDP) Policies BE5 or H14, or of Core Strategy⁵ (2009) (CS) Policy CS74. However, I have been provided with extracts therefrom and I am familiar with their content from other cases I am considering. Despite their respective ages, I am satisfied that their aims in terms of seeking to secure high quality design are consistent with those of the National Planning Policy Framework (the Framework) and I have determined the appeal accordingly.

The appeal under ground (a)

Main Issue

5. The main issue is the effect of the front dormer extension upon the character and appearance of the appeal property.

Reasons

6. The appeal property has been heavily altered and extended over time; notably by the 2007 scheme with the construction of a hip-to-gable roof alteration and the insertion of dormer windows front and rear, and more recently by the 2019 scheme. The latter included the enlargement of the rear facing dormer with similar proportions to that at the front which is now the subject of this notice.
7. The front dormer window extension is larger than that which it replaces. Including the dormer window frame and cheeks, the structure is broadly comparable in width to the window openings within the two-storey bay, below. Although the Council is concerned that the dormer window extension dominates the front roof slope, I saw during my visit to the site that it is generously inset on both sides from the roof's extremities and is also generously set back from the roof's eaves level. Whilst the structure's ridge level aligns with that of the main house, the large expanse of roof slope that remains exposed to the front and sides ensures that it does not appear as an excessively scaled or overly dominant addition to the roof.
8. Whilst I accept that the dormer window is not wholly aligned with the two-storey bay below, the appeal property has been heavily altered over time. The extent of the misalignment is limited and, whilst noticeable when stood directly in front of the property, views along the street and through intervening roadside trees minimise the extent to which it is more widely noticeable. The differing forms of extension at the appeal property and its adjoining half of the pair are such that any vestiges of original symmetry and balance between the pair has been eroded over time. I do not therefore consider this to be harmful to the character or appearance of the property nor would it be fatal to the appeal.
9. I am also satisfied that the front dormer extension does broadly display principles of vertical fenestration hierarchy where, excluding the peak above, the windows are clearly shallower than those on lower floor. This, together with the generous spacing around the window persuades me that it neither

⁴ Sheffield Unitary Development Plan (Adopted March 1998)

⁵ Sheffield Development Framework Core Strategy (Adopted March 2009)

dominates the front roof slope nor causes harm to the appeal property's character or appearance. Nor are interventions into the roofs of properties along Norton Lane entirely alien as I saw further along the street where differing house types have peaked bays that intersect the front roof slope. Whilst not directly comparable to that before me, this nevertheless provides additional context to the appeal scheme.

10. UDP Policies BE5 and H14, together with CS Policy CS74 seek to secure good, high quality design where extensions should respect the scale, form, detail and materials of the original building and respect the scale and character of the host, and neighbouring, buildings. The dormer window in question, while significantly larger than that which it replaces, nevertheless maintains largely good spacing around it and to the extremities of the roof. The alignment of the ridge with that of the main house roof does not undermine this. The window depth is clearly less than that of windows within the bay at lower levels, whilst the misalignment of the dormer with those windows below is not, for the reasons I have set out above, fatal to the appeal scheme. There is, therefore, no conflict with UDP Policies BE5 and H14, with CS Policy CS74 or with the aims and provisions of the Framework. The appeal under ground (a) therefore succeeds.

Other Matters

11. A neighbour has raised further objections regarding recent works of extension and alteration at the appeal property with particular regard to light and outlook in relation to works at the rear of the house. However, as these matters do not relate to the subject matter of the enforcement notice, it is not necessary for me to consider them further and they do not therefore alter my conclusions in respect of the main issue.

Conditions

12. No conditions have been suggested should the appeal, and thus the application for planning permission deemed to have been made, succeed. I am satisfied that the facing materials of the front dormer window extension are appropriate to the property in its extended and altered state and I am also satisfied that no conditions are necessary.

Conclusion

13. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall therefore grant planning permission for the front dormer extension as described in the notice. The appeal on ground (g) does not therefore fall to be considered.

G Robbie

INSPECTOR