



Appeal Decision

Site visit made on 26 October 2023

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2023

Appeal Ref: APP/J4423/C/23/3323039

8 Borough Road, Sheffield S6 2AY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended ("the Act"). The appeal is made by Mr David Wilson-Wolfe against an enforcement notice issued by Sheffield City Council.
- The notice was issued on 25 April 2023.
- The breach of planning control as alleged in the notice is without planning permission, the execution of operational development comprising a dormer extension to the frontage roof of the existing property.
- The requirements of the notice are to:
 - (i) Remove the dormer roof extension at the front of the property.
 - (ii) After removing the dormer roof extension, you must restore the roof to its former state before the dormer was constructed using tiles/materials matching tiles/materials used in the surrounding roof.
 - (iii) Remove any materials resulting from (i) 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), (f), (g) of the Act 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 dismissed and the enforcement notice is upheld with a variation in the terms set out below in the Formal Decision.

The Notice

1. In paragraph 5 (ii) of the notice, it refers to '*...dormer roof extension..*' and '*...restore the roof..*', for clarity and given that there is a dormer to the rear roof which is not the subject of the notice, I will vary the requirement to include the words '*at the front of the property*' and '*front roof plane*' which are also consistent with the requirement at 5 (i). I am satisfied that no injustice would be caused to the appellant or the local planning authority by varying the notice in the above respect.

The appeal on ground (a) and the deemed planning application (DPA)

Main Issue

2. The main issue is the effect of the development on the character and appearance of the host property and surrounding area.

Reasons

3. The appeal site relates to an end-terraced stone property within a predominantly residential area which is characterised by mostly two-storey dwellings of varying design and form. There are also commercial premises further along Borough Road and to the south of the property is a large brick

and clad building occupied by Swann-Morton. As I saw there are no other front dormer roof extensions along the road with the only additions to residential front roof slopes being small rooflights.

4. As such, the appeal site forms part of an attractive row of stone terraces and despite some variation in form, or commercial buildings being in existence those residential properties in the immediate and wider area present a discreet arrangement that appreciably contributes towards the local character and appearance of the area. I note there is a rear dormer at the property, however this is not subject to the notice before me.
5. The development has resulted in the addition of a substantial sized front dormer roof extension with a finished material of dark composite cladding, albeit that works appeared to still be underway on the roof. It has an excessive width spanning across almost the whole front roof of No.8 and extends from the eaves to the ridge. Given this, the cladding materials and positioning on the roof it appears as an additional flat-roofed floor to the property and not as a subservient roof addition.
6. Therefore, the development is a bulky and dominant feature which could not be considered to sit comfortably within the proportions of the front roof plane. Neither any additional re-installment works, or the adjacent chimney stack distract its overall excessive scale. As I saw there is limited visible roof plane remaining and there are clear views of the development from along Borough Road where it is seen as a stark and incongruous addition to the roof form. Furthermore, the development overpowers the front roof plane of the host property to a significant degree and has a negative impact on the front roof form of the wider terrace row to the detriment of both the character and appearance of the host property and surrounding area.
7. In addition, the position of the large window opening in the front dormer roof extension is at odds with the alignment and scale of existing windows at first floor and the ground floor. This has resulted in a negative and unbalanced appearance to the existing host property and to the fenestration detailing of the wider properties within the terrace row, adding to the front dormer extension's harmful appearance. Moreover, the window does not break down the overall negative appearance of the front dormer roof extension.
8. For the reasons given above, I conclude the development has caused unacceptable harm to the character and appearance of the host property and surrounding area. It does not accord with Policy CS74 of the Sheffield Development Framework Core Strategy, 2009 and Policies BE5 and H14 of the Sheffield Unitary Development Plan, 1998. Amongst other matters, the policies taken together expect high quality development and that extensions are well designed and would be in scale and character with neighbouring dwellings; contribute to creating attractive, sustainable and successful neighbourhoods, and all extensions should respect the scale, form, detail and materials of the original building.
9. The development also conflicts with the Council's Designing House Extensions, Supplementary Planning Guidance from the Unitary Development Plan (SPG), which advises at guideline 1, 2 and 3 that extensions should be compatible with the character and built form of the area; appearance should not detract and require the use of matching materials. The SPG also advises that dormers

should not dominate the roof plane and align with and have similar proportions to other windows in the dwelling.

10. Moreover, the development is contrary to the National Planning Policy Framework 2023, paragraphs 130 and 134, of which seek well designed places and states development that is not well designed should be refused.

Other Matters

11. The appellant has drawn my attention to several other properties in the area where dormer extensions have been constructed and an appeal decision¹. I do not have all the precise details of those individual cases so cannot be sure they are directly comparable and the circumstances that led to permission being granted. Nonetheless, it would appear from the evidence that the appeal decision in that case acknowledged there was a fallback position of a dormer being granted at the property, and that the window was slightly narrower which is unlike the development before me. In regard, to the other developments identified in Appendix 2 and Appendix 3 of the appellant's evidence, these appear to be much smaller front dormers than the development, and none of those cases have shown that they involve the first dormer constructed within a terrace row.
12. Furthermore, it appears that several of the examples have been in place over 4 years without planning permission and have become lawful through the passage of time. In any event, I have dealt with the appeal on the basis of the evidence and my own site observations.
13. The appellant has drawn my attention to their individual circumstances of wanting additional living space within the property. However, there is nothing before me that alternative living space could not be found at the property and the front dormer extension is the only solution. As such these matters do not outweigh the harm identified above, nor justify granting planning permission for the development before me.

Whether planning permission should be granted for any part of the matters stated in the notice / the alternative schemes

14. The appeal on ground (a) sought planning permission for the matters stated in the notice as the breach of planning control, that being the development which has actually been built. Section 177(1)(a) of the Act enables me to grant planning permission for the whole or any part of the matters stated in the notice. The appellant contends in relation to their ground (f) appeal that any injury to amenity would be overcome by modifying the development, I shall consider whether permission should be granted for such a modified scheme under ground (a).
15. The appellant suggests that the proposed alternatives to the front dormer roof extension could be that it is altered and set back from the eaves; and or reduced in the height and / or width with the re-instatement of concrete roof tiles or other tiles to be agreed, and a re-instatement of full ridge to roof; replacement of the UPVC window to the front dormer to match proportions of other windows; or a combination of all.

¹ APP/J4423/C/12/2199066

16. I have not been presented with any detailed alternative schemes including plans that show how the development could be modified, or whether it would be structurally feasible. Consequently, and in view of the nature and extent of work that might be required, the variations that would follow from the appellant's arguments would cause the notice to be imprecise. Therefore, it has not been demonstrated the schemes form 'part of the matters' stated in the notice.
17. Nevertheless, the front dormer roof extension is one entity. As they are described by the appellant, the reductions and alterations to the scale, height, window suggested would not overcome the harm to the character and appearance of the host property or surrounding area. The front dormer roof extension, even if it could be shown to be an alteration rather than a replacement would still not appear subservient, given it would still be of excessive scale to the front roof plane and that of the roof form of the terrace row.
18. I accept there are other examples of dormers within the wider area of the appeal site, however there are no other front dormer roof extensions along Borough Road, and the property is visible so it would still appear as an incongruous development to the front roof slope in the street scene.

Conclusion

19. I have found the development to be causing harm to the character and appearance of the host property and surrounding area. The alternatives advanced by the appellant have not been demonstrated to constitute part of the matters stated in the notice and do not alter my findings in this regard, and therefore does not warrant a grant of planning permission.
20. Therefore, for the reasons given above, I conclude that the appeal under ground (a) should fail and that planning permission should be refused in respect of the DPA in full.

The appeal on ground (f)

21. This ground of appeal is that the steps required to be taken by the notice exceed what is necessary to achieve its purpose. The purposes of an enforcement notice are set out in section 173 of the Act and are to remedy the breach of planning control (s173(4)(a)) or to remedy injury to amenity (s173(4)(b)). Since the notice requires the removal of the dormer extension and reinstatement of the front roof to its former appearance, the purpose is clearly to fully remedy the breach. Leaving any part of it in place would not achieve that purpose. Consequently, the notice's requirements at Section 5 cannot be excessive.
22. The appellant's case on ground (f) amounts to an alternative scheme to the unauthorised dormer. I have dealt with this as part of my consideration of the ground (a) appeal, having set out why this would be unacceptable. Nevertheless, the appellant has not provided sufficient evidence, to show that any lesser steps would not result in an acceptable form of development. Consequently, the appellant has not produced evidence that the notice's requirements exceed what is necessary to remedy the breach.
23. For the above reasons, I conclude that the ground (f) appeal fails.

The appeal on ground (g)

24. The appeal under ground (g) is made on the basis that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed. The notice requires compliance within 6 months of it coming into effect.
25. The appellant seeks a period of 12 months to comply with the notice. This is stated to be in the context that 6 months is too short to organise the removal of the front dormer or alternative works by a contractor. This includes that the appellant would have to find alternative accommodation for rental as the attic would be uninhabitable.
26. The appellant has provided no substantive evidence to support their ground (g) appeal. It appears from the evidence that the property is currently empty and as I saw the front dormer is not substantially completed. In addition, there is nothing before me to say that the rest of the property would be inaccessible.
27. Moreover, the reasons why the Council issued the notice are that the unauthorised development is causing significant harm to the character and appearance of the host property and surrounding area. Therefore, it is in the public interest for the breach of planning control to be remedied as soon as reasonably possible. This provides a further reason not to extend the compliance period beyond the current specified period. Accordingly, the appeal on ground (g) fails.

Conclusion

28. For the reasons given above, I conclude that the appeal should not succeed. 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 Act as amended.

Formal Decision

29. It is directed that the enforcement notice is varied by:
- In Section 5(ii) deleting all the words and their substitution with *"After removing the dormer roof extension at the front of the property, you must restore the front roof plane to its former state before the dormer was constructed using tiles/materials matching tiles/materials used in the surrounding roof"*.
30. Subject to the variation, the appeal is dismissed, and the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the Act as amended.

K A Taylor

INSPECTOR