



Appeal Decision

Site visit made on 12 December 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 29th December 2023

Appeal Ref: APP/B1550/D/23/3324735

107 Louis Drive West, Rayleigh, SS6 9DZ

- 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 Mrs Jeanette Richer against the decision of Rochford District Council.
 - The application Ref 23/00122/FUL, dated 14 February 2023, was refused by notice dated 12 April 2023.
 - The development proposed is retrospective planning application for the retention of the development as built following planning approval 22/00127/FUL. The changes from the application are 1) The change of window design on the front dormer and the rear extension 2) The overall height and depth of the front dormer. 3) The retention and repositioning of the existing side window. 4) The change in window design and overall size of the rear dormer.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The council's officer's report and the decision notice described the development as "Retrospective planning application for the retention of the development as built following planning approval 22/00127/FUL". However, the appellant's application form and appeal form, described the development as "Retrospective planning application for the retention of the development as built following planning approval 22/00127/FUL. The changes from the application are 1) The change of window design on the front dormer and the rear extension 2) The overall height and depth of the front dormer. 3) The retention and repositioning of the existing side window. 4) The change in window design and overall size of the rear dormer". I have used the appellant's text in the banner heading above because it provides a description of the operational development carried out.
3. The appeal documentation did not include the drawings on which the 2022 permission was based. I considered that I needed to be able to understand the difference between the two and therefore requested a copy of those drawings.

Main Issue

4. The main issue in this case is the effect of the dormer in the front roof on the existing dwelling, others nearby and the streetscene.

Reasons

5. The starting point is the development plan and other policy and guidance. Policy CP1 of the Rochford District Council Core Strategy (2011) promotes high quality design, which has regard to the character of the local area. Policy DM1 of the Development Management Plan (2014) seeks a high standard of design requiring that developments promote the character of the locality to ensure that development positively contributes to the surrounding built environment. Part (ix) of this policy specifically relates to the promotion of visual amenity and that regard must also be had to the detailed advice and guidance in Supplementary Planning Document 2 - Housing Design, as well as to the Essex Design Guide (EDG). These policies and the guidance, including the EDG, are in accord with the National Planning Policy Framework (the Framework).
6. The majority of the dwellings on Louis Drive West are semi-detached bungalows, sharing a similar design and form. However, a number of the dwellings have various modifications, such as flat roofed front dormers, flat roofed rear dormers, changes to the porch design, single storey rear extensions and in the case of one of the properties on the street, a change in the roof form; but many of the bungalows have unaltered roof forms, with a lack of development to the front roof slopes.
7. That part of the description in the banner heading above, of the changes to the approved development that is the subject of the main issue in this appeal, is "The change of window design on the front dormer ... and the overall height and depth of the front dormer". The other elements are not the subject of the refusal reasons. The dormer that was permitted under reference 22/00127/FUL extended across the front roof slope, as does the dormer that has now been constructed. It also featured the roof of the dormer being at or very near the main roof ridge. However, the constructed dormer rises from just above the eaves, with the result that it projects further out from the roof and so is deeper and bulkier. The figures given for these changes are that there is an increase in height of the dormer of some 0.84m and an increase in depth of some 1.1m. These figures have not been challenged, although the officer's ability to measure is questioned, and they appear to me to be at least indicative of the extra size.
8. Irrespective of the precise measurements, the dormer as seen dominates the roof of the bungalow, no longer displaying any subservience to the roof. This is to the detriment of the appearance of the bungalow, and demonstrates the reasoning behind the advice in paragraph 1.16 of the EDG. It also appears to me to be the case that it does gain extra headroom, since it projects further towards the front of the dwelling and so provides headroom over a larger area. Nor can I see the case that it allows significantly more light into the space, since the windows are smaller than those approved. This point also leads me to remark that the windows in the appeal dormer are minor features in the expanse of the cladding, which again goes against the intention that dormers should be used to light roof space. This aspect of the design adds significantly to the dominating appearance of the dormer.
9. The main thrust of the appellant's case is that the council has allowed similar dormers in the area and the desirable consistency of approach should mean that the appeal dormer should also be found satisfactory. I agree that consistency in decision making is highly desirable. I do not know the

background to the many cases that are cited. But looking at the examples given within Louis Drive West, that at No.122 is more similar to the approved dormer than that built, in as much as it does not extend as far forward and as close to the eaves as the subject dormer, and the same is also true of the dormer at No.127.

10. Some of the other examples quoted in other roads within the locality can be criticised for the reasons that I have given in this case. I do not regard them as providing a precedent for poor design to be used as justification elsewhere.
11. I can understand that there were technical difficulties with the building regulations, but that suggests that a formal application to change the design should have been made. I can also fully appreciate the desire to provide accommodation for the family, but there is little difference or gain in the accommodation that would have been provided by the permitted scheme and that in the built scheme.

Conclusions

12. The relevant development plan policies and the guidance that follows are aimed at achieving good design. This is in line with government policy to drive the improvement of design, expressed in the Framework and elsewhere. Although the addition of dormers to existing development brings design challenges, the principle of adding them is accepted. However, the appeal dormer has been constructed substantially larger than that permitted with the result that it is no longer subservient, but dominates the roof of the bungalow and the front elevation of the dwelling as a whole.
13. Thus it has a harmful effect, not only on the appearance of the existing dwelling, but also the streetscene. The various matters that have been raised in support of the appeal, including the fact that there are examples elsewhere that appear comparable, do not outweigh this harm which is contrary to the aims of the development plan and the policies of the Framework. For these reasons I will dismiss the appeal.

Terrence Kemmann-Lane

INSPECTOR