



Appeal Decision

Site visit made on 1 March 2024

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2024

Appeal Ref: APP/J3720/D/24/3336442 84 Seymour Road, Alcester B49 6EF

- 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 Ms S Ebanks against the decision of the Stratford-on-Avon District Council.
 - The application Ref 23/01925/FUL, dated 20 July 2023, was refused by notice dated 7 November 2023.
 - The development proposed is for alterations and extensions including a loft conversion with front and rear dormer windows and raised roof, the enclosure and extension of the front porch structure, the replacement of the rear conservatory and a shed, linked to the house by a covered seating and clothes drying area (retrospective application for work already carried out).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development has already taken place therefore this is a retrospective application. Further to the submission of this appeal planning permission has been granted separately for the replacement of the rear conservatory and a shed linked to the house by a covered seating and clothes drying area (Council reference 24/00034/FUL). As such, my considerations are directed to the dormer windows and alterations to the roof as the outstanding matter in dispute.

Main Issues

3. The main issues are the effect of the development on i) the character and appearance of the host property and the surrounding area; and ii) the living conditions of the occupiers of the neighbouring properties with particular regard to overbearing impact.

Reasons

4. No.84 to the southern side of Seymour Road is part of a 1980s residential estate with properties of the same style and materials. The appeal property has a central position within a building comprising 5 separate properties with those to the side orientated perpendicular with their entrance doors to the side and not directly onto Seymour Road.
5. The ridgeline of the appeal property has been increased to align with that of Nos.80 and 82, and as the adjoining properties to the other side (Nos 86 and

88) are lower with a catside roof to the front I do not find that this is harmful to the composition of the building or a visually intrusive element. Nonetheless, the dormer windows fully consume the roof, and their visual prominence is heightened by the materials. Both the front and rear dormer windows are highly visible with the rear of the property seen from Devonish Close. In addition, the property is visible from Kinnersley Road (B4089) where the massing of the two dormer windows is seen together in views of the side profile.

6. There are dormer windows to Nos. 90 and 92 although these additions are above the garage, set to the side of the property. As such, they are part of a subservient element and are not directly comparable to an addition to the main roof. Within the estate, I did not see any other dormer windows to the main roof, which is likely to be due to the estate-wide removal of permitted development. Be that as it may, the Council's Development Requirements Supplementary Planning Document (SPD) part E advises that dormers should be positioned well below the main roof ridge and be smaller in height and width than the window openings below. The dormer to the front is smaller, but both are large flat roof dormers with a very marginal offset from the ridgeline. The SPD does go on to advise that large flat dormer windows may be acceptable where out of public view, but that is not the case here with the whole of the property visible from the public domain.
7. I acknowledge that cladding is often used for dormers and can provide a contemporary feel, however, it is not characteristic of this area where brick and tile properties retain simple and uncluttered roof forms. Whilst it is suggested that the cladding could be altered to tile hanging this would not address the wider impact and incongruity of the additions. Also, already being in situ does not give rise to a different assessment and any issue of enforcement is a separate matter.
8. Accordingly, I find that the dormer windows are an intrusive and incongruous addition, significantly harmful to the appearance of the host property and the prevailing character of the area. The development, therefore, conflicts with Policies CS.9 and CS.20 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (CS), the Development Requirements SPD and policy HBE 8 of the Alcester Neighbourhood Development Plan (NDP). Together these require a high standard of design, which is sensitive to the setting, existing built form and neighbours, and reflects the character and distinctiveness of the locality.

Living Conditions

9. The dormer windows sit within the existing roof; therefore, the same level of separation from the neighbouring properties is retained. The nearest property in Devonish Close is at least 12m away with its flank elevation towards the appeal property. Whilst the rear dormer window will be visible, given the form of the development and the relationship I do not find that it would have an overbearing impact to directly affect the occupiers' living conditions. The Council has not raised any concerns in relation to privacy and having regard to the existing level of mutual overlooking between residential properties I have no reason to disagree.
10. Therefore, I find no direct conflict with CS policy CS.20 or the SPD regarding not unacceptably detracting from the amenities of any neighbouring property

because of loss of daylight, loss of privacy, overshadowing, or overbearing impacts.

Other Matters

11. I acknowledge that the government supports upward extensions in certain situations through Schedule 2 Part 1 Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Permitted development rights have however been removed from this housing estate and whether that also restricts Class AA is outside the scope of this appeal. Moreover, such proposals are for C3 dwellings only and subject to prior approval which includes consultation and an assessment of external appearance. There is no specific scheme before me, which would be different in form from the existing dormers and would also require their removal. Given the number of stages and uncertainties, this is not something to which I have given weight as a fallback.
12. Roof alterations to an existing property make efficient use of land and there will be benefits for the owner/occupiers. Nonetheless, the addition of one bedroom would have a very small impact on the provision of HMO accommodation and these matters do not outweigh the harm I have found to the character and appearance of the area and the conflict with the development plan.
13. The decision notice refers to CS policy CS.12 which I have not been provided a copy of but relates to Special Landscape Areas and does not apply to this site. Additionally, policy HBE 8 of the Alcester NDP relating to new dwellings is also not directly relevant to this proposal for extensions.

Conclusion

14. While there would be no material harm to the neighbours' amenities the development is to the detriment of the character and appearance of the area. Therefore, for the reasons set out and having regard to all other matters raised the appeal is dismissed.

G Ellis

INSPECTOR