



Appeal Decision

Site visit made on 29 April 2024

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2024

Appeal Ref: APP/E2340/C/24/3336979

Land at 57 Knotts Lane, Colne, Lancashire BB8 8AB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Isaac Wilson against an enforcement notice issued by Pendle Borough Council.
- The enforcement notice was issued on 6 December 2023.
- The breach of planning control as alleged in the notice is without planning permission the unauthorised erection of a dormer to the front elevation.
- The requirements of the notice are to permanently remove the front dormer and restore the roof to its original condition.
- The period for compliance with the requirements is four months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) 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.

Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Main Issue

2. The appeal is made under ground (a) which is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice. I have considered the reasons for issuing the notice and the main issue is the effect of the breach of planning control on the character and appearance of the area.

Reasons

3. The front roof dormer relates to a mid-terraced stone built dwellinghouse positioned on Knotts Lane. This is a classified road which rises steeply from the town of Colne and towards the countryside. There is a pleasing consistency to the appearance of the terraced dwellinghouses in this street in terms of their linear position, use of stone elevations and slate roofs, and the regularity of front amenity spaces enclosed with mainly low stone boundary walls. The roofs of the properties in the locality are particularly noticeable to the passer-by because the dwellinghouses are positioned on rising land. Indeed, they are devoid of any significant roof structures such as dormers. Hence, the

essentially unbroken roof slopes add positively and distinctively to the overall design cohesiveness of the properties when experienced in the street-scene.

4. While the dormer has been built in slate to match the main roof of the house, it is nonetheless large and bulky when appreciated in the street-scene. It detracts unacceptably from the uniformity of the unbroken roof slopes belonging to the block of terraced properties as a whole and appears as a dominant and incongruous addition when seen in the context of the dwellinghouses in the surrounding area.
5. The above harm is exacerbated within this terraced block as there is an obvious stepping down in the roofs of the properties to reflect the sloping nature of Knotts Lane. In this context, the dormer looks particularly discordant as it interrupts the pleasing pattern of the stepped roof form. In addition, it has a flat roof which is prominent in the street-scene and takes up most of the width of the roof belonging to the appeal building. In this regard, it does not appear subordinate in scale to the proportions of the original dwellinghouse and, moreover, fails to reflect the pitched roof appearance of the roofs of the properties in the immediate area.
6. In addition to the above, the unauthorised development fails to accord with the specific design requirements of the Council's Design Principles SPD 2009 (SPD). It is not set back by 1 metre from the front elevation of the building and is not set in by at least 0.5 of a metre from either side of the host property roof. Furthermore, the SPD advises against allowing front dormers where they are not a feature of similar houses in the locality. In this case, front dormers are not a feature of the locality.
7. For the above reasons, I conclude that the unauthorised dormer has caused significant harm to the character and appearance of the area. Consequently, it does not accord with the design, character, and appearance requirements of policy ENV2 of the adopted 2015 Pendle Local Plan Part 1 Core Strategy 2011-2030, policy CNDP3 of the adopted 2023 Colne Neighbourhood Plan 2022-2030, the SPD, and chapter 12 of the National Planning Policy Framework 2023.

Conclusion

8. For the reasons given above, I conclude that the ground (a) appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

D Hartley

INSPECTOR