



Appeal Decision

Site visit made on 4 April 2024

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 5 June 2024

Appeal Ref: APP/V0728/D/24/3337452

32 Eden Street, Saltburn By The Sea, Redcar and Cleveland TS12 1JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs P Dolphin against the decision of Redcar and Cleveland Borough Council.
 - The application reference is R/2023/0493/CA.
 - The development is a proposed loft conversion, including flat roof rear dormer and roof light to front.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Pyramid Architectural Design against the decision of Redcar and Cleveland Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. As there is no indication that changes to the development description or address provided on the application form have been agreed between the main parties, I have used the application form details in this decision.
4. The Government published a revised version of the National Planning Policy Framework (Framework) on 19 December 2023. Whilst I have had regard to the revised Framework, the issues most relevant to this appeal remain unaffected by the revisions. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and this would disadvantage no party.

Main Issues

5. The main issues are:
 - whether or not the proposal preserves or enhances the character or appearance of the Saltburn Conservation Area; and
 - the effect of the proposal upon the occupiers of neighbouring residential properties with respect to privacy.

Reasons

Character or appearance

6. The appeal site is located in the Victorian new town part of the Saltburn Conservation Area (CA) which is characteristically urban in form and scale. The CA's significance in this location is derived from the typically two-storey terraced streets which have a general tight development grain, straight building lines set close to the pavement and follow a largely grid pattern. Their architectural style is generally modest, showing qualities from the late Victorian period through to the early 20th century. The terraces have a very good level of consistency and design cohesion which gives their fronts, rears and rooflines a coherent appearance.
7. The appeal site is a mid-terraced two-storey property which reflects the above terraces' characteristics. It has a pitched roof and two-storey part-width rear offshoot. It has a small frontage and rear yard with high rear boundary wall, and is separated from the adjacent terraces by the street at the front and a narrow alleyway at the rear.
8. The proposal would consist of a loft conversion, including a flat roof rear dormer and a roof light to the front.
9. The Council has indicated that the insertion of the roof light to the front of the property is not contentious. As it would be a conservation area grade unit and would have limited effect on the consistency of the roofline, I see little reason to disagree.
10. The Saltburn Conservation Area Management Plan Supplementary Planning Document 2019 (SPD) indicates that sensitively designed dormers can be successful in adding character to a building. It further states that, amongst other matters, unsuitable dormers are usually boxy in design and advises that inappropriate dormers of either a large-scale or non-traditional design should be resisted. Moreover, Action 22 of the SPD details that the Council will resist planning applications for dormer windows and roof extensions that do not reflect the historic character of the CA and are considered detrimental to the character and appearance of a building.
11. I appreciate the appellant's direct consultation with the Council's Conservation Advisor, and their indication that the proposal would not be harmful subject to it being executed correctly using traditional materials and techniques. However, the proposed rear dormer would be a sizeable addition, extending almost across the full width of the roof slope and vertically over a large part of the roof height. It would dominate the host property's rear roof plane and would result in a large boxy appearance. While it would not harm the terrace's ridge line, it would be significantly at odds with the terrace's rear roofscape and would harm the consistency and design cohesion of the terrace. I have little doubt that great care in the design has been taken with such things as using a simplistic and unelaborated style, use of traditional materials and the inclusion of timber mullions in the general fenestration and traditional dentilated detailing. Nevertheless, these would not sufficiently reduce the visual harm caused by the proposal's size and boxy appearance and it would still depart significantly from the guidance for dormers set out in the SPD.

12. The appellant advises that contrary to the Council's indication that there are no similar box dormer extensions within the terrace and near vicinity, recent planning permissions demonstrate that a number have been allowed in the area. These include a dormer extension at 20 Eden Street (LPA ref: R/2023/0320/CA), a flat roof dormer to the rear of 16 Garnet Street and a large catslide dormer to the rear of 18 Emerald Street. It is asserted that these show dormers are not unusual within the CA.
13. However, while these do show dormers being granted in the CA, little detail of their comparable size and form to the proposal is provided. In the case of 20 Eden Street, even though the proposal is indicated as being '*not too dissimilar*' to the granted dormer, it is noted that it would be '*slightly wider*'. This implies the approved dormer is smaller in size and is likely to be less dominating. No details regarding 16 Garnet Street are provided and for 18 Emerald Street only the reference to the roof type is noted. I also note that both of these examples are located in a different part of the CA to the proposal. Overall, I cannot be sure the examples are directly comparable to the proposal and, as such they do not change my view of the harm I have found. In any event, the proposal requires to be considered on its own planning merits.
14. The appellant advises that smaller pitched dormers would not work due to the height and space limitations of the property and the need to provide the extra space the family requires. However, no compelling evidence has been provided to show that a less harmful design could not sufficiently satisfy the family's needs. I am therefore not convinced that this justifies the harm I have found.
15. As I have found the proposal's design would cause harm, the use of planning conditions to agree the final details, as proposed by the Council's Conservation Advisor, would not be appropriate. The conditions would not satisfy the 'precise' and 'reasonable in all other respects' tests set out in Paragraph 56 of the Framework or the advice contained within the Planning Practice Guidance.
16. As the appeal property sits within a CA, any development must be considered within the context of Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that I pay particular attention to the desirability of preserving or enhancing the character or appearance of the CA.
17. In the context of Paragraphs 205 and 208 of the Framework, I conclude that the harm to the significance of the CA is less than substantial; but I do not consider that there are any identified public benefits sufficient to outweigh that harm. The proposed development fails to preserve or enhance the character or appearance of the CA. It is contrary to the conservation and design aims of Policies HE1(a) and SD4(j) of the Redcar and Cleveland Local Plan 2018 (Local Plan).
18. The proposal would also not enhance or better reveal the CA's significance or preserve its positive contribution and would be contrary to Paragraph 212 of the Framework.

Living Conditions

19. The proposed dormer window would be large and in an elevated position on the host property. However, as it would be positioned in the roof plane, it would be located further away from the neighbouring properties than the existing host

property's window. The Council provide little evidence to demonstrate the proposal would harm the occupiers of neighbouring residential properties with respect to outlook and privacy. From my visit, I saw that the separation between the proposal and the neighbouring properties would be reasonably good and there are a number of rear offshoots and high boundary walls which would significantly limit overlooking.

20. Accordingly, I conclude that the proposal would not harm the living conditions of the occupiers of the neighbouring residential properties with respect to privacy. The proposal would accord with the amenity aims of Policy SD4(b) of the Local Plan.

Other Matters

21. I appreciate that the appellant attempted to adhere to guidance and consulted with and agreed the design with the Council's Conservation Advisor. However, it is for the Planning Officer to make the final recommendation and they are not bound by a consultee's response. In the Officer Report, the Council's Conservation Advisor comments are noted and the reasons why these were not accepted detailed. Appropriate planning judgement was therefore exercised, and I see little reason to question this.
22. While no objections have been raised by neighbours on Leven Street or Eden Street, and all statutory consultee responses were overcome, this does not render the scheme acceptable. I must determine the appeal on its own planning merits and accordingly, I have given this matter little weight.
23. The Council does not raise any significant concerns or find development plan conflict in relation to several other matters, including the principle of development, highways, crime prevention and nutrient neutrality. However, while the evidence before me gives me no reason to disagree with these findings, the absence of harm would be a neutral matter which would not carry weight in favour of the scheme.

Conclusion

24. The proposal would not adversely affect the living conditions of the occupiers of neighbouring residential properties with respect to loss of privacy. However, this would not outweigh its failure to preserve or enhance the character or appearance of the CA. For this reason, and taking into account all other matters raised, I conclude that the proposal as a whole would not accord with the development plan for the area or the Framework and the appeal should be dismissed.

J Symmons

INSPECTOR