



Appeal Decision

Site visit made on 23 May 2024

by P. D. Biggers BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2024

Appeal Ref: APP/V2004/D/24/3339462 217 Park Avenue, Hull HU5 4DE.

- 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 Mr W. Bilton against the decision of Hull City Council.
 - The application Ref 23/03196/FULL, dated 27 September 2023, was refused by notice dated 6 December 2023.
 - The development proposed is dormer loft conversion.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was originally submitted with the design showing one single dormer. Prior to the Council's determination of the application a revised scheme for two smaller dormers was submitted in response to advice from the Council and it was this scheme that the Council refused. According to the appellant's appeal statement it appears that he is seeking to defend the original single dormer scheme. Accordingly, a letter was sent to the appellant to clarify his intentions. He has confirmed in his response that in fact he would prefer the original single dormer as he does not think the two smaller dormers will deliver what he requires. However, procedurally the appeal relates to what was determined by the Council and not the original submitted proposal which has now been superseded. I will therefore determine the application on the basis of the two dormer scheme.

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the host dwelling, the wider terrace and The Avenues and Pearson Park Conservation Area.

Reasons

4. The appeal site is situated on the south side of Park Avenue in a long terrace of uniform, two storey properties, some with accommodation in the roof space. The Avenues and Pearson Park Conservation Area is characterised by this type of predominantly brick and slate built terraced housing and, although the terraces are varied in their detail, within each, as the case here, there is a strong uniformity and rhythm to their design.
5. I have been referred to other properties in the area where dormers have been introduced in Victoria Avenue, Richmond Street and Westbourne Avenue some of which were visible from the back lane to No 217 and which the appellant considers justify the appeal proposal. Notwithstanding these particular examples, from my

observation during the site visit, the incidence of dormers is still the exception in the area rather than the rule. It is certainly too small a number to suggest that these roof forms are part of the area's character or that a precedent has been set. Consequently, the existence of similar dormer windows in the area would not provide a robust justification for the appeal proposal. I will therefore determine the appeal proposal on its own merits.

6. The uniformity of the terrace is not restricted to the front elevation. Although the *Conservation Area Appraisal* for the Avenues refers to a greater informality to the rear elevations there is still a strong rhythm with the repeating back-to-back rear offshoots and the uniform rear roof plane. The rear roof is unaltered save for the occasional roof light and, in isolated cases, a differing roofing material. No dormer windows are in evidence. I am therefore not persuaded by the appellant's argument that informality in the rear elevation would warrant the introduction of significant mass and scale at a high level.
7. I acknowledge that the design would incorporate traditional materials from the Conservation Area however the introduction of the pair of dormers into this roof plane would be highly obtrusive in what is otherwise an uninterrupted and uniform roofscape. Although the scale of the dormers now proposed would be better than the large single dormer initially proposed, they would still be large in the context of the roof with extended lead-dressed cheeks and would not be fully aligned with the first floor windows below. The Council's Supplementary Planning Document *Designing a House Extension* advises that dormers should not exceed one third of the roof area. In this case the two dormers together would exceed this area and would therefore not be subordinate to the main roof.
8. I have been invited to conclude that as the rear elevation is not visible from the street the introduction of the dormers would have minimal impact. However, they would be visible from the Ten Foot (the back lane) and from the semi-public domain of the allotments as well as from a large number of private houses. In these views the dormers would look incongruous and out of character.
9. Neither national nor local policy qualifies the requirement on the decision-maker that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas in order to allow any standard of design to the rear of properties simply because it cannot be seen. To do so would quickly result in the erosion of characterful properties and terraces such as these within the Avenues and Pearson Park Conservation Area.
10. The proposed extension would be an unsympathetic alteration and would harm the significance of the Conservation Area and would fail to preserve its character. Therefore the proposal would be contrary to Paragraph 205 in the *National Planning Policy Framework* (the Framework) and Policy 16 of the *Hull Local Plan* (HLP) which seeks to ensure that development which would cause harm to the significance of designated heritage assets is not permitted. The form and scale of the roof dormers in this case would be detrimental.
11. I accept that in this case the harm to the significance of the Conservation Area would be less than substantial and, in these circumstances, Paragraph 208 of the Framework requires that the harm is weighed against any public benefit. However the appellant has not demonstrated any public benefit of the proposal and therefore there is nothing to outweigh the harm to the significance of the Conservation Area from the proposal.

12. For the reasons above the proposed roof extension would, as a result of its scale, massing and position at a high level, be detrimental to the character and appearance of the host property, the terrace and the Conservation Area. Accordingly, it would be in conflict with the design objectives of the HLP in Policy 14 and its conservation objectives in Policy 16.

Other Matters

13. I understand the appellant's wish to make sustainable and effective use of housing land, an objective which is encouraged by the Framework in Section 11. I acknowledge that this national policy objective makes the principle of the development acceptable. I also acknowledge the need for the dormers in order to allow access for the particular staircase proposed in this design. However, paragraph 128 in the same Section 11 of the Framework states that development should not be at the expense of maintaining an area's prevailing character and setting. Sustainable and effective use of the dwelling to provide the roof extension would not therefore outweigh the harm to the character and appearance of the area as a result of the proposal.
14. Moreover, as is apparent from other properties in the terrace, it is clearly possible to make use of the attic accommodation albeit in a reduced way to that proposed in the appeal by the introduction of rooflights. Therefore, there would be an alternative way of using the attic space which would not have the same impacts on the Conservation Area as the appeal proposal and I therefore only attach limited weight to the need for the dormers.

Conclusion

15. In reaching my decision I have had regard to the matters before me. For the reasons above, the appeal is dismissed.

P. D. Biggers

INSPECTOR