



Appeal Decision

Site visit made on 21 June 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2024

Appeal Ref: APP/Y0435/D/24/3342126

5 Park View, Tickford Street, Newport Pagnell, Milton Keynes, MK16 9AD

- 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 Andrew Lockley against Milton Keynes City Council.
 - The application Ref is 24/00104/HOU.
 - The development proposed is development of a rear dormer at second floor level.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the impact of the proposal upon the subject dwelling, surrounding area and the character and appearance of the Conservation Area.

Reasons

3. The appeal site is located off, but fronts onto, Tickford Street and is an end of terrace dwelling. It is located in a largely residential area, but some commercial use noted, and stands within the Newport Pagnell Conservation Area (CA). To the rear of the appeal site is Newport Pagnell Bowling Club and a play area. The proposal is for a dormer on the rear roof slope with a pitched roof form, set down from the ridge of the main roof and set in from the sides and eaves with materials to match the host dwelling.
4. From my site visit I note that the street is characterised by terraced dwellings which are varied in appearance and design and that, as supported by the appellant's submission, dormer features and articulations at roof level are not uncharacteristic for the area. The variation in the locality is also stated, by the appellant, to be noted within the CA Review 2010 albeit a full version of this document has not been submitted as part of the appeal documentation – I have only been provided with quotations/extracts stated to be from the document in question. I understand, from the submissions, that within a previous approval¹ permission was granted for a flat roof dormer at first floor level, but this permission does not include a dormer in the rear roof slope as is before me within this appeal.
5. I also note that an appeal has previously been dismissed at the appeal site, however, no further details have been submitted. The Councils delegated reports confirms, however, that the appeal was dismissed on a procedural basis in so far as the proposals could not be considered as an amendment to the

¹ 23/00551/HOU – a copy of what is stated to be the approved plans (no decision notice confirming approved drawing numbers) provided as an appendix to the appellant's statement

- previous permission due to being a materially different change (requiring a new application).
6. Whilst the materials proposed would be, and could be conditioned to, match the host dwelling and I acknowledge that the proposal would set down from the ridge of the main roof and set in from the sides and eaves the proposal is still not insignificant in scale in the context of the roof. The examples of dormer windows that I saw during my site visit, and as demonstrated within the appellant's photographs, I find to be of a more modest scale within their respective roof slopes. The proposal before me would be uncharacteristically large and, combined with the approved flat roof dormer at first floor level, I find the proposal would be inappropriate to the host dwelling with cumulative extensions/alterations that would detract from the existing building.
 7. Whilst I note that dormers can, subject to general restrictions, often be constructed under permitted development in this case the site stands within the CA and, as a planning application, it falls to be assessed as such against the Local Plan within the context of the CA. S72 of the Planning (Listed Buildings in Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving and enhancing the character and appearance of the CA.
 8. The Conservation and Archaeology consultation response, and Council's delegated report, both set out the basis for the Council's refusal reason with regard to the CA. The proposal, at second floor (roof) level would be visible within views within the CA, and nearby listed assets, as a higher-level extension than the first floor, flat roof, dormer approved within the previous approval. It should be kept in mind that character and appearance are separate matters, and, in this case, I find that the proposal would, as a dormer, be uncharacteristically large within the roof slope compared to other examples of dormers within the vicinity as well as being visually intrusive which would impact upon the appearance of the appeal site, and the row of houses which it is part of, within the CA as well as general views within the CA.
 9. The National Planning Policy Framework 2023 (the Framework) states, in paragraph 205, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
 10. As a result of the factors that I have outlined I find the proposal would result in less than substantial harm to the CA as a designated heritage asset. In accordance with the Framework, paragraph 208, where a development proposal would lead to less than substantial harm this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The proposal is for the erection of a rear dormer at second roof level which would result in entirely private benefits, and I have no evidence before me to support that the proposal would result in any public benefits to outweigh the weight which should be given to the less than substantial harm which has been identified.
 11. The proposal would be contrary to Plan:MK 2019 Policy D1 which requires development proposals to respond appropriately to the site and surrounding context, Policy D2 which requires the character of development to be locally

inspired and Policy D3 which requires the scale and design of extensions to relate well to the existing building and plot as well as not detracting from the character of the existing building and surrounding area. The proposal would also be contrary to Policy HE1 which sets out that permission for proposals that cause less than substantial harm to a designed heritage asset will only be granted where the harm is demonstrably outweighed by the public benefits delivered by the scheme.

Other Matters

12. I note comments made from interested parties in relation to water pressure, additional rooms and bathrooms and loss of light, however, the Council have not based any reason for refusal on such matters and I have no reason to conclude differently based upon the evidence before me. Matters such as water pressure are not a material consideration. A condition could be placed upon any permission granted to secure materials that match the host dwelling to secure an appropriate finish and I have dealt with matters relating to the CA within the main body of this decision letter.

Conclusion

13. For the reasons outlined above I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR