



Appeal Decision

Site visit made on 30 July 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12TH August 2024

Appeal Ref: APP/U1620/D/24/3346651

147 Estcourt Road, Gloucester, GL1 3LW

- 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 Kunalan Antanypillai against Gloucester City Council.
 - The application Ref is 24/00324/FUL.
 - The development proposed is extension of an existing, incorporating a hip-to-gable conversion, and the addition of a new dormer.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the impact of the proposal upon the existing property and the character and appearance of the area.

Reasons

3. The appeal site is a detached residential dwelling which benefits from an existing two storey side extension (including integral garage) side facing dormer, loft conversion and a single storey rear extension. The proposal before me seeks to extend the existing loft conversion, incorporating a hip to gable/extension conversion, and the addition of a new rear dormer. The existing loft conversion already contains two bedrooms and a shower room; however, it is stated by the appellant that there is restricted head room in all rooms with the proposal therefore seeking to allow full ceiling heights.
4. It is not within the scope of this appeal to determine whether a proposal/part of a proposal would be, or is close to being, something which could be constructed, beyond the control of the Council, utilising permitted development rights¹. Whilst I note that the appellant states that the total addition cubic volume of the hip to gable roof and proposed dormer would be in the region of 49.8cu/m, the proposal before me is still submitted as a planning application which, therefore, falls to be considered against the Local Plan as the starting point for determination in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 taking into account relevant material considerations. Whilst provision of a fallback position can be a material consideration, I have no evidence before me confirming what may or may not be possible via permitted development through the determination of a Certificate of Lawfulness or similar to be able to attribute this weight as an alternative which the appellant could pursue in the event this appeal failed.

¹ As set out within the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

5. Gloucester City Council Home Extension Guide 2008 (SPD) requires dormers to be of an appropriate size and scale to sit comfortably on the roof and not appear as an obvious or dominant addition and for the style and location of windows on the dormer to harmonise with those on the existing dwelling. The overarching objective of the SPD is to avoid extensions which swamp or dominate the host dwelling being of a style, form and design which is appropriate and respectful to the appearance of the dwelling house in question.
6. I note the appellant's commentary relating to minimum headroom requirements and evidently, to some extent, flat roofed dormers will often be a contrast or obvious to an existing roof. Despite this, taking into account the cumulative proposals at roof level to the rear and side, I do not find that the proposals are of an appropriate size and scale to sit comfortably on the roof and find that the dormer is an overly large and inharmonious addition which fails to respond positively to the scale and form of the existing dwelling.
7. The proposed materials would include dark grey smooth cladding for the dormer and wall of the hipped gable conversion which I find would be an inappropriate contrast to the traditional red brick and clay tile construction of the original dwelling. As submitted, I find that the proposed materials would contribute to an overall dominant, unsympathetic, addition to the property but that this is not (in terms of impact) solely attributable to the proposed materials in question as I find that matters relating to external materials could reasonably be controlled via condition and do not, in isolation, specifically result in a reason for refusal.
8. Whilst the proposed dormer would not be visibly from the front elevation, within the street scene, it should be kept in mind that a proposal's suitability in terms of character and appearance of the locality is separate to the character and appearance of the host dwelling itself. Whilst the dormer may only be visible from within the appeal site, and the gardens of adjacent dwellings, even if I had found the proposals acceptable in terms of appearance, I do not find that the cumulative extensions (both existing and proposed) would be sympathetic to the original dwelling or appropriate to its character and would result in significant harm to the character of the existing dwelling as well as being detrimental in general views from surrounding properties.
9. At the time of my site visit I found that the roof forms of properties, within the immediate vicinity of the appeal site, were relatively consistent and the hip to gable extension combined with a dormer would appear uncharacteristic resulting in harm to the character and appearance of the area insofar as the hip to gable extension would be visible from the front elevation. In addition, I have no evidence before me that cumulative roof alterations, and dormers, of this scale are characteristic of the area with character, as outlined, being a separate matter to appearance.
10. Overall, considered in the context of both the Local Plan and SPD, I find that the proposal due to its scale, design and fenestration, would result in an unsympathetic addition to the property which would be out of keeping with the existing dwelling and, cumulatively, result in extensions which would render the host dwelling largely unrecognisable and entirely swamped in its original form. The proposed hip to gable conversion would also result in notable harm to both the character and appearance of the dwelling itself but, also the immediate area within which it would be viewed within the streetscene.

11. The proposal conflicts with Gloucester, Cheltenham and Tewkesbury Joint Core Strategy 2017 Policy SD4 which requires that new development should respond positively to, and respect the character of, the site and its surroundings as well as Gloucester City Plan 2023 Policy A9 which requires that the height, size and design of an extension should be in keeping with the scale and character of the existing dwelling and its wider setting and Policy F1 which requires developments to make a positive contribution to the character and appearance of the locality.
12. The proposal would also be contrary to paragraph 135 of the National Planning Policy Framework 2023 which seeks to ensure that developments function well and add to the overall quality of the area and are sympathetic to local character and history including surrounding built environment as well as the overarching objectives of the SPD which seeks to ensure that extensions are of a style, form and design which is appropriate and respectable to the character of the locality and the appearance of the existing house.

Other Matters

13. I note comments, from the appellant, that the decision was issued without any prior contact or comments on the proposal from the Case Officer and whilst I can appreciate the appellant's frustration as to a lack of contact, the handling of the application itself is unfortunately outside the scope of this appeal which I have considered based upon the evidence before me, and my site visit, upon its own merits. I also note that given the opportunity the then applicant could have modified size, materials, and windows, however, I must consider the proposal as it stands before me and any revisions to a future scheme would need to be the subject of the relevant application process to the Council.
14. The appellant's comments, in relation to the effects on living conditions of neighbouring properties are noted, however, the Council's assessment does not find any negative impact upon the living conditions of neighbouring properties subject to a condition requiring translucent glass, and restrictions as to opening, for the proposed side window in the dormer serving a shower room. I have no evidence before me to conclude differently on the matter of living conditions of neighbouring properties and indeed, the Council's refusal reason is not based upon such matters either.

Conclusion

15. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR