



Appeal Decision

Site visit made on 8 October 2024

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th OCTOBER 2024

Appeal Ref: APP/F4410/C/24/3343190

17 Furnival Road, Balby, Doncaster, DN4 0PJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr Antonio Solaro against an enforcement notice issued by Doncaster Metropolitan Borough Council.
 - The notice was issued on 29 February 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a dormer extension on the Land.
 - The requirements of the notice are to either (i) demolish the flat roof dormer containing two windows in its entirety as shown coloured in blue on Site Plan B and make good the roof of the host dwelling OR (ii) reduce the flat roof dormer containing two windows as shown coloured blue on Site Plan B to reinstate a single gable dormer with single window in accordance with its previous condition, and (iii) on completion of either (i) or (ii), remove all resultant debris/materials from the Land.
 - The period for compliance with the requirements is for step (i) or step (ii), three months from the date upon which this notice takes effect, and for step (iii), four months from the date upon which this notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld.

Ground (c) appeal

2. The appeal made on ground (c) of section 174(2) of the Act is that those matters (if they occurred) do not constitute a breach of planning control. The onus is on the appellant to make a case on any of the legal grounds of appeal.
3. The appellant claims that he has '*acted within permitted development rights following measures and rules*' and contends that there are other dormers in the area that are similar in shape and appearance to the one that is the subject of this appeal. The appellant also comments that the dormer is acceptable in terms of its size and colour.
4. Much of the evidence from the appellant relates to the consideration of a deemed planning application. However, an appeal under ground (a) of section 174(2) of the Act, and hence a deemed planning application, is not before me. Therefore, it is not possible for me to comment on the planning merits of the breach of planning control. My focus under the ground (c) appeal relates to whether the dormer extension constitutes a breach of planning control.
5. The flat roof appeal dormer is positioned on the front roof slope of the terraced dwellinghouse. The appellant does not dispute the Council's comments that he

had *'explained again that the roof needed replacing and he slightly increased the existing dormer window'* and *'when speaking with the owner he explained that the roof had to be replaced when he bought the property and the dormer that was already there needed replacing as well so he increased the size of it'*.

6. The appellant has not lodged a ground (b) appeal, i.e., that the development had not occurred, and, in any event the above evidence, coupled with the Google Earth images dated June 2017 and August 2022, demonstrates, as a matter of fact and degree, that a dormer extension has been erected on the roofslope of the dwellinghouse fronting Furnival Road.
7. The erection of a dormer extension constitutes an act of operational development under section 55 of the Act. Class B (The enlargement of a dwellinghouse consisting of an addition or alteration to its roof) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) states that development is not permitted if *'any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway'*. The dormer extension extends beyond the plane of an existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway.
8. For the above reasons, I find that the dormer extension amounts to an act of development and is not permitted development given the restrictions imposed in Class B of Part 1 of Schedule 2 of the GPDO. Therefore, the ground (c) appeal fails.

Conclusion

9. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

D Hartley

INSPECTOR