



Appeal Decision

Site visit made on 28 February 2025

by **G Sylvester BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal Ref: APP/E2205/D/24/3349556

The Old Bakery, Court Lodge Road, Appledore, Kent TN26 2DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mrs Tracy Morgan against the decision of Ashford Borough Council.
 - The application Ref is PA/2024/0797.
 - The application sought planning permission for alterations to existing roof including addition of 2no dormers without complying with conditions attached to planning permission Ref PA/2023/1903, dated 13 December 2023.
 - The conditions in dispute are Nos 2 and 3 which state that: *"The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan 01522-PL-50 - REV A 15 May 2023; Proposed Plans 01522-PL-225 15 May 2023; Proposed Block Plan 01522-PL-150 REV B 26 June 2023; Proposed Elevations 01522-PL-350 10 October 2023"* and *"The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied"*.
 - The reasons given for the conditions are: *"For the avoidance of doubt and in the interests of proper planning"* and *"To safeguard the character and appearance of the conservation area"*.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In determining this appeal, I shall have regard to my statutory duty under s72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ("the Act"), to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Background and Main Issue

3. The Council granted planning permission (PA/2023/0919) for alterations to the existing roof of the appeal property including the addition of 2 dormers. Approval was subsequently granted to vary conditions 2 and 3 to alter external materials and fenestration design, and for the removal of condition 4, resulting in a separate planning permission (PA/2023/1903), which the appeal proposal seeks to vary in order to permit, amongst others, a larger north facing roof dormer.
4. Based on the Council's refusal reason the main issue in this appeal is whether the proposed north facing dormer would preserve or enhance the character or appearance of the Appledore Conservation Area ("the CA").

Reasons

5. The significance of the CA as a designated heritage asset is partly derived from the range of traditional and attractive vernacular period buildings that reflect the historic development of the village. Buildings in the CA often have relatively steeply pitched roofs and undisrupted roof slopes. Roof dormers, where present, are small, set well back from the eaves and appear well contained and integrated within roof slopes, thus respecting the traditional architectural forms and hierarchy of their host buildings. Together, these buildings contribute to the cohesive roofscape within the CA.
6. The appeal property has a relatively steeply pitched gabled roof form with largely undisrupted roof slopes and is set back from the road at the end of a driveway. Whilst not prominent in the street scene, the sloping nature of its roof form nonetheless contributes positively to the cohesive roofscape of the traditional period buildings in the area, and thus the significance and special interest of the CA as a whole.
7. Although set below the host building's ridge level, the proposed dormer would be set relatively close to the roof eaves and would cover a sizeable area of its north facing roof slope. Notwithstanding its positioning close to the roof slope of the appeal building's north projecting wing and away from direct views from the road, the scale and box-like form of the proposed dormer would be a dominant and visually discordant addition to the host building's roof, which would erode its consistently sloping nature. In views from neighbouring properties within the CA, the proposed dormer would therefore fail to respect the largely undisrupted roof slopes of the host building's traditional architectural built form, and it would be at odds with the scales and proportions of the existing dormers in the wider roofscape.
8. Consequently, the proposed dormer would erode and undermine the appeal property's positive contribution to the wider roofscape, and it would fail to preserve or enhance the character or appearance of the CA. Furthermore, the scale of the proposed dormer relative to the host building's roof slope would be at odds with the guidance on roof extensions in the Ashford Borough Council - Supplementary Planning Guidance Note 10, June 2004. There is nothing in the policies or guidance before me that establishes a numerical threshold for the area of a roof slope covered by a dormer.
9. Paragraph 212 of the National Planning Policy Framework states that great weight should be given to the conservation of the CA as a designated heritage asset. Any harm requires clear and convincing justification and is a matter of considerable importance. Given the scale and nature of the proposed dormer, the harm it would cause to the significance of the CA would be 'less than substantial harm'. In accordance with the Framework, this should be weighed against the public benefits of the proposal.
10. The enhancement to the living conditions of the property's occupiers would be a private benefit. Any public benefit would be expected to be confined to the economic benefits at the construction stage and would be small in scale. The weight that I attribute to the proposal's public benefits would be small and insufficient to outweigh the less than substantial harm that it would cause to the significance of the CA as a designated heritage asset.

11. For these reasons, I conclude that the proposed north facing dormer would conflict with Section 72(1) of the Act, and would fail to accord with Policies HOU8 and ENV14 of the Ashford Local Plan 2030, Adopted February 2019, insofar as they require development to preserve or enhance the character and appearance of the CA, through respecting historical and architectural character, including roofscapes. It would also conflict with the policies of the Framework that seek to protect the historic environment.

Other Matters

12. The proposed north facing roof dormer would be considerably larger than the smaller roof dormers established by the extant planning permissions and would have a comparatively greater adverse impact on the CA, thus failing to preserve or enhance its character or appearance. Therefore, the fallback schemes attract very limited weight in support of the appeal proposal, and they do not alter my conclusion on the main issue.
13. The Council found that the proposed north facing roof dormer would cause no other planning harms to those described above and that the other elements of the appeal proposal, which are substantially similar to those in the fallback schemes, would preserve the character or appearance of the CA. Whilst I find no reason to disagree with that assessment, an absence of harm is a neutral factor that does not weigh in favour or against the appeal proposal.

Conclusion

14. For the reasons given above, the proposed north facing dormer would fail to preserve or enhance the character or appearance of the CA, and this brings the development into conflict with the development plan as a whole. There are no material considerations of sufficient weight, including the provisions of the Framework, to outweigh this finding. Consequently, the proposal is unacceptable, and the appeal should be dismissed.

G Sylvester

INSPECTOR