



Appeal Decision

Site visit made on 12 March 2025

by Jonathan Price BA(Hons) DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

Appeal Ref: APP/P1560/D/25/3358939

144 Chilburn Road, Clacton-on-Sea, Essex CO15 4PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Alex Gray against the decision of Tendring District Council.
 - The application Ref is 24/01184/FULHH.
 - The development is loft conversion with rear dormer.
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Decision

1. The appeal is allowed and planning permission is granted for the loft conversion with rear dormer at 144 Chilburn Road, Clacton-on-Sea, Essex CO15 4PF in accordance with the terms of the application Ref 24/01184/FULHH.

Preliminary Matters

2. The development for which planning permission was refused is in place and conforms with the submitted plans. Since the appeal, the Council issued a certificate of lawfulness of proposed use or development (CLOPUD) for the loft conversion with rear dormer¹.

Main Issues

3. The effects on
 - the character and appearance of the area and
 - the living conditions of the neighbouring residential occupiers at 142 Chilburn Road, with particular regard to daylight, outlook and privacy.

Reasons

Character and appearance

4. The development relates to a semi-detached bungalow, within a street of same sized, mainly detached bungalows. The roof is hipped, and the flat roofed dormer occupies the rear roof slope up to and across the ridge and down to near the eaves. The Essex Design Guide advises dormers should be a minor incident in the roof plane, to light the roof-space not to gain extra headroom over any great width. However, as part of a loft conversion, the dormer element is more in the nature of a first-floor extension. Seen from the rear, it fits in well with the overall appearance of

¹ Reference 24/01722/LUPROP, dated 16 January 2025

this elevation of the bungalow. This is because it echoes the form and appearance of the flat roofed ground floor extension below, only at a suitably reduced scale.

5. There are fleeting, rather distant views of the dormer from Burrs Road. However, it is not prominent in views along Chilburn Road. Where glimpsed, the dormer has an acceptable appearance and has no materially adverse impacts on the street scene. Had the dormer been clad in hanging tiles, then it would unquestionably be permitted under the Town and Country Planning (General Permitted Development) Order 2015 (GPDO). As built, the dormer is finished in horizontal grey colour cement board cladding. This differentiates it from the roof and is visually more satisfactory than had hanging tiles been applied.
6. The loft conversion with rear dormer does not have a materially harmful effect upon the character and appearance of the area. It satisfies Policy SP7 of the Tendring District Local Plan 2013-33 (LP)², as far as this seeks a high standard of urban and architectural design which responds positively to local character and context. It also complies with paragraph 135 of the National Planning Policy Framework (NPPF), which requires developments to be visually attractive as a result of good architecture and sympathetic to local character.

Living conditions

7. The proposed dormer window is in close proximity to the shared boundary with No 142 and apparent from this neighbour's rear garden, in particular their patio area. The Council considers this close relationship overshadows this neighbour's existing patio area, appears overbearing and causes a loss of privacy. The present occupiers at No 142 have not written to confirm as much. Future occupiers would obviously be aware of the existing circumstances.
8. LP Policy SP7 resists development having a materially damaging impact on the privacy, daylight or other amenities of neighbouring occupiers. NPPF paragraph 135 echoes this by seeking that developments provide high standard of amenity for existing and future users. However, these considerations are relevant only to where planning controls apply. The CLOPUD confirms that a rear dormer having these effects is permitted under the GPDO. Those drafting this would have considered matters including effects on neighbouring living conditions. On this basis, there can be no reasonable finding of conflict with LP Policy SP7 or the NPPF over the development's effects on living conditions at 142 Chilburn Road, in respect of daylight, outlook or privacy.

Conclusion

9. Other than for the external facing materials used, the loft conversion with rear dormer is permitted under the GPDO. On this basis, there are no reasonable grounds other than to approve the scheme as built. Therefore, I conclude that the appeal succeeds.

Jonathan Price

INSPECTOR

² The development plan includes the Section 1 and 2 Tendring District Local Plan 2013-33 and Beyond, adopted January 2021 and January 2022, respectively.