



Appeal Decision

Site visit made on 20 May 2025

by **J Davis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 June 2025

Appeal Ref: APP/P1940/D/24/3358052

65 Heysham Drive, South Oxhey, Hertfordshire, WD19 6YH

- 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 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Ms Ylaine Solomon against the decision of Three Rivers District Council.
 - The application Ref is 24/1371/FUL.
 - The application sought planning permission for construction of single storey front and side extension, alterations to the roof including increase in ridge height with hip to gable roof extension, front and rear dormer windows, and alterations to external materials without complying with conditions attached to planning permission Ref 23/1095/RSP, dated 7 September 2023.
 - The conditions in dispute are:
 - No 2 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans: 65HD/P01; 65HD/P02 REV A received 5/9/23; and*
 - No 4 which states that: *Within FOUR MONTHS of the date of this planning permission hereby permitted, the front dormer within the front roof slope shall be physically altered in height, width, position and roof formation in accordance with the 'proposed plans and elevations' shown on plan number 65HD/P02 REVA. Once altered, the front dormer shall be maintained as such thereafter.*
 - The reasons given for the conditions are:
 - No 2: *For the avoidance of doubt, and in the proper interests of planning in accordance with Policies CP1, CP9, CP10 and CP12 of the Core Strategy (adopted October 2011) and Policies DM1, DM6 and DM13 and Appendices 2 and 5 of the Development Management Policies (adopted July 2013);*
 - No 4: *In the interests of the visual amenities of the site and the area in general, in accordance with Policies CP1 and CP12 of the Core Strategy (adopted October 2011) and Policy DM1 and Appendix 2 of the Development Management Policies LDD (adopted July 2013) and the NPPF (2021).*
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal site comprises a small bungalow located on the end of a row of two storey terraced dwellings. The bungalow has been altered and extended by virtue of roof alterations including front and rear dormers, front extension and partially implemented side extension.
3. Planning permission was granted in September 2023¹ for various extensions and alterations, including a front dormer window, subject to conditions. These include condition No 2 which requires the development to be carried out in accordance with the approved plans and condition No 4, which requires the front dormer that has

¹ LPA ref. 23/1095/RSP

been constructed within the front roof slope to be physically altered in accordance with the submitted drawing. The appellant wishes to vary condition 2 of that permission to enable the substitution of drawings and to remove condition 4 so that the front dormer can be retained in its current form. The Council's objection is on design grounds.

4. Therefore, the main issue is the effect of varying / removal of the conditions on the character and appearance of the host dwelling and the surrounding area.

Reasons

5. The appeal property is in an area mainly characterised by two storey terraced and semi-detached dwellings of a similar original design and appearance. The appeal dwelling is of a different character and appearance, originally comprising a bungalow that has been subsequently extended as described above.
6. The design criteria set out in Appendix 2 of the Council's Development Management Policies Document (2013) (DMPD) advises that dormer windows should always be subordinate to the main roof and that they should be set below the existing ridge level, set in from either end of the roof and set back from the plane of the front or rear wall. It also states that the roof form should respect the character of the house if possible and advises that front dormers may not always be appropriate in the street scene.
7. The existing dormer is a dominant feature of the front roof slope, with a height equivalent to that of the ridge level of the host dwelling. It is only set up from the eaves by about 0.2m such that it almost meets the flat roof of the front extension to the dwelling. The dormer has a width of around 2.6m and considerable depth, protruding significantly forward of the front roof slope. Moreover, the design of the dormer with a front gable also accentuates its visual prominence and its failure to respond positively to the character of the existing dwelling and the sloping roof plane on which it is sited. Overall, the scale and proportions of the dormer are disproportionate to the modest roof slope on which it sits and consequently, it is not subordinate in appearance to the host dwelling. Instead, the combination of the design of the dormer with its prominent gable end, together with its overall height, width, depth and positioning on the roof slope, has resulted in an unduly prominent and incongruous form of development that is harmful to the character and appearance of the host dwelling.
8. The appeal property occupies a prominent corner location on the eastern side of Heysham Drive at its junction with Foxglove Path. The front dormer is clearly visible in the street scene in both near and more distanced views, where it appears at odds with and harmful to the prevailing character and appearance of the area as a result of its size and inappropriate design.
9. The appellant has highlighted the presence of dormer windows of various designs in the local area, including in nearby Carpenters Park. However, none of the examples provided appear to be directly comparable to the design and appearance of the appeal proposal which I am required to determine on its own merits. The appellant has also referred to approved extensions at 46 Heysham Drive, however these are also of a different design and appearance to the extensions at the appeal site. I therefore place limited weight on these examples.

10. The planning permission granted in September 2023 allowed for the retention of a front dormer window, subject to the alterations as detailed in approved plan no 65HD/P02 A, as referenced in condition 2 and in condition 4. These alterations included a reduction in the width, height and depth of the dormer, allowing it to be positioned more appropriately within the roof slope of the dwelling, with a set back from the ridge of about 0.3m and sitting around 0.3m up from the eaves. The approved plan also detailed the replacement of the gable end of the dormer with a hipped end which would be more in keeping with the existing sloping roof form of the host dwelling and would reduce its visual prominence. The retention of the dormer in its current form would continue to have a harmful effect on the character and appearance of the host dwelling and the area and I therefore conclude that conditions 2 and 4 of that permission are reasonable and necessary.
11. The Council's concerns are in relation to the design of the dormer window and its effect on the character and appearance of the host dwelling and the area. Accordingly, the conditions are relevant to planning and to the development to be permitted. Moreover, the conditions are precise, as the approved plan referred to in conditions 2 and 4 clearly shows the alterations that are required to be carried out. I have no substantive evidence before me to suggest that the conditions are not enforceable.
12. I therefore find that the conditions meet the tests set out in paragraph 57 of the National Planning Policy Framework (2024).
13. Accordingly, having regard to the above considerations, I conclude that the variation of condition 2 and the removal of condition 4 of planning permission 23/1095/RSP would have a harmful effect on the character and appearance of the host dwelling and the surrounding area. The proposal is therefore contrary to Policies CP1 and CP12 of the Core Strategy (2011) and Policy DM1 and Appendix 2 of the DMPD. Together, and amongst other things, these policies require that development does not lead to a gradual deterioration in the quality of the built environment and that it is of a high quality that respects local distinctiveness and has regard to local context and conserves or enhances the character, amenities and quality of an area.

Conclusion

14. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

J Davis

INSPECTOR