



Appeal Decision

Site visit made on 4 November 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th November 2025

Appeal Ref: APP/A1530/W/25/3370040

91b Cavendish Avenue, Colchester, Essex CO2 8BS

- 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 Mrs Karina Kongevold against the decision of Colchester City Council.
 - The application Ref is 250538.
 - The development proposed is described as “Proposed Loft Conversion and New Rear Box Dormer to rear roof slope. Dormer finished in a weatherboard finish and GRP roof. 2 No. New Velux windows to front roof slope. Alterations to Existing Soil Pipe and installation of new Soil Vent Pipe”.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed loft conversion including the construction of a dormer to rear roof slope, installation of 2 roof lights to front roof slope, alterations to the existing soil pipe and installation of new soil vent at 91b Cavendish Avenue, Colchester, Essex CO2 8BS in accordance with the terms of the application, Ref 250538, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos ‘Location & Block Plan’ 0250-A-001 Rev. 00, ‘Proposed Outline Plan’ 0250-A-001 Rev. 00 and ‘Proposed Floor Plans and Elevations’ 0250-A-200 Rev. 01.
 - 3) The external surfaces of the development hereby permitted shall be constructed in accordance with the materials detailed on the planning application form.

Preliminary Matters

2. For the avoidance of doubt, I have simplified and amended the description of development in my formal decision, omitting elements that do not relate to an act of development.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the appeal building and surrounding area.

Reasons

4. The appeal site relates to a two-storey semi-detached dwelling located within a predominately residential area characterised by properties of a similar style and appearance. Surrounding dwellings are relatively evenly spaced, with limited gaps between buildings, which restricts views to the rear from the public realm.

Nevertheless, glimpsed views of the side planes of the rear roofscapes of properties are achievable to varying degrees when travelling along the street. Whilst there is general uniformity to the roof line and front elevations of surrounding properties, I observed several have constructed rear dormers which are visible in glimpses between properties from the public realm. This results in some variation in the street scene but is not harmful or detrimental to the overall character and appearance of the area.

5. The appeal scheme proposes the construction of a rear dormer window and the installation of two roof lights in the front roof slope. The existing soil and vent pipe (SVP) is also proposed to be replaced with a lower stack. Whilst roof lights are not a common feature in the street scene, they would be relatively small and would not dominate the principal elevation. The Council has not identified any concerns with the proposed roof lights or alterations to the SVP, and I see no reason to come to a different conclusion on these matters. The crux of the Council's case therefore relates to the proposed dormer.
6. The dormer would be sited on the rear elevation and, whilst large, it would not extend to the full width of the dwelling and has been designed so that it would be inset from the ridge, eaves and side roof planes. This would ensure that it would not be an overly dominant addition to the rear of the property, despite its relatively narrow width, and would retain a degree of subservience. The design and proportions of the dormer would also ensure it would not disrupt the characteristic roofline of the main body of the dwelling in the street scene. Consequently, the dormer would preserve the character and appearance of the appeal building. Whether or not the proposed dormer would exceed the size parameters of those permitted under the Town and Country Planning (General Permitted Development) Order 2015 does not affect my conclusions in this regard.
7. While views of the side of the dormer window may be achievable when travelling along the street, these would only be glimpsed given the separation distance and relative positioning of the appeal building with its neighbour, which is set slightly further forward within its plot. Views may also be achievable from properties to the south-west on Pembroke Close. However, any views of the dormer would be of a development that has been designed to respect the proportions of the host dwelling, and would not be dissimilar to views of other dormer windows that are achievable in the street scene or from other cul-de-sacs to the west. On this basis, such views would not adversely affect the overall character or appearance of the area.
8. For the above reasons, I therefore find the proposed development would not harm the character or appearance of the appeal building or the surrounding area. Accordingly, the appeal scheme would comply with Policy SP7 of Colchester Borough Local Plan 2013-2033 Section 1 and Policies DM13, DM15 of Colchester Borough Local Plan 2017-2033 Section 2 which together and amongst other things, require proposals to be compatible with the scale, appearance and character of the host property, for developments to meet high standards of design and respond positively to local character and context to preserve and enhance the quality of existing places. It also complies with the provisions of the National Planning Policy Framework (Framework) that support well-designed places and developments that are sympathetic to local character.
9. While the Council has referred to the advice in the Essex Design Guide in relation to dormers, as the extract provided relates to the use of dormers in new housing, it is

not directly applicable to the appeal scheme which relates to an extension to an existing property.

Other Matters

10. Interested parties have raised concerns about the potential for noise and disturbance during construction activities on their living conditions. However, the construction period and any associated disturbance would be for a finite period such that it would not amount to unacceptable harm on the living conditions of surrounding occupiers.
11. Concerns have also been raised relating to the potential for the proposed soil pipe to cause an obstruction to access to the side of the property and the legal responsibilities for the drains and roof of the appeal building. However, as these matters fall outside of my jurisdiction in the determination of this appeal, they have not influenced my decision.

Conditions

12. I have considered the planning conditions suggested by the Council against the tests in the Framework and the Planning Practice Guidance. Where appropriate, I have adjusted the wording of the conditions to improve precision.
13. I have imposed conditions specifying the period for commencement and requiring the development to be carried out in accordance with the approved plans in the interest of planning certainty. I have also imposed a condition requiring the use of materials as specified on the application form to ensure that the development has an appropriate visual appearance. The Council has suggested a condition to limit the hours of construction, however given the scale of the development and likely duration of the construction period, this is not considered to be necessary in this instance.

Conclusion

14. For the reasons given above, I conclude that the development accords with the development plan and the appeal should be allowed.

H Whitfield

INSPECTOR