



Appeal Decision

Site visit made on 24 June 2026

by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2026

Appeal Ref: APP/Y0435/C/24/3350257

8 Tippet Close, Browns Wood, MILTON KEYNES, MK7 8EJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr J. Skackauskas against an enforcement notice issued by Milton Keynes Council.
 - The notice was issued on 8 August 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a flat roof dormer at the rear elevation of the property ('the unauthorised development').
 - The requirements of the notice are to:
 - i) Permanently remove the unauthorised development.
 - ii) Reinstall the roof to that which existed immediately prior to the unauthorised development.
 - iii) Permanently remove all debris and materials from the site that arise from carrying out steps (i) and (ii) above.
 - The period for compliance with the requirements is 12 months after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c), (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the erection of a flat roof dormer at the rear elevation of the property at 8 Tippet Close, Browns Wood, MILTON KEYNES, MK7 8EJ as shown on the plan attached to the notice.

Preliminary Matters

2. I have dealt with two appeals in relation to the same site. The present appeal is made against the Council's decision to issue an enforcement notice against the erection of a rear dormer and the other followed the decision to refuse to grant a Certificate of Lawful Use of Development (CLOPUD) in respect of various extensions and alterations. Given that the proposal in respect of the CLOPUD appeal was subtly different to the enforcement appeal I have issued separate decisions in respect of the two appeals.

The Appeal on Ground (c)

3. An appeal on this ground is made on the basis that the matters stated in the notice do not amount to a breach of planning control. The appellant contends that the dormer was erected on the basis that it amounted to permitted development with respect of Class B of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
4. Under Class B, alterations and additions to the roof of a dwelling are permitted subject to a number of conditions and limitations. The Council maintain that the dormer fails to comply with the condition B.2(a) which requires that the materials used in any exterior work to be of similar appearance to those used in the exterior of the existing dwellinghouse.
5. The Government's Permitted Development Rights for Householders: Technical Guidance (2019) (the Technical Guidance) provides advice on how that should be interpreted, noting that the facing materials for any dormer should be of similar colour and design when viewed from ground level and that window frames should be like those in the existing house in terms of their colour and overall shape.
6. I have addressed similar arguments in respect of the CLOPUD appeal. In that case, the proposed cladding material was zinc sheeting. However, the material that has been used in construction is a composite profile system "Ecoscape Forma" with a colour described as "Midnight" which, as the name suggests, has a black or at least extremely dark grey colour. The panels provide a slatted effect to give the impression of a series of thin vertical strips with a small recess between each.
7. The existing property has a mixture of buff coloured brickwork and russet coloured imitation pantiles on the roof. It is immediately obvious on looking at the dormer that the black finish and modern profile provides a completely different visual appearance in terms of colour and surface pattern.
8. The colour in particular is notably different. Whilst the appellant contends that the aim of the GPDO is to avoid garish colours and to ensure restrained appearance that is not the case. It simply requires the finish to be of similar appearance. If an existing dwelling was garish then a garish colour would be required. Black is not similar to mid-brown or russet brown and the cladding fails to meet the terms of condition B.2(a).
9. The shape and width of the windows is much more expansive than the original arrangement of the rear elevation which contained a pair of French doors and two modest windows at ground floor level and three modest windows at first floor level. The installed "loft style" windows are expansive, taking up a significant portion of the rear façade. The window to the left is much larger than any other window on the property and that to the right has a vertical emphasis that is lacking in existing windows. That would be contrary to the Technical Guidance referred to above.
10. However, I am slightly cautious about relying on that guidance because I cannot see any stipulation relating to the shape of windows within the text of paragraph B.2(a) of the GPDO itself, or elsewhere within the conditions and limitations. It seems to me that a window is more than just a material, it is a fundamental design feature of any residential building. Had the intention of the GPDO been to ensure

that windows need to be of a similar shape to those in the original dwelling it could easily have stated so within the conditions but it does not do so in clear terms.

11. However, it is the case that the onus rests with an appellant to demonstrate their case in respect of appeals on ground (c) and no caselaw or any comparable decisions are before me in respect of the interplay between the Technical Guidance and paragraph B.2(a) in respect of window size. Thus, whilst I have some reservations it is not clear that windows of the size and shape installed would be lawful.
12. In any event, the colour and profile of the cladding is such that the dormer fails to comply with condition B.2(a). It does not amount to permitted development and is a clear breach of planning control. Therefore, the appeal on ground (c) must fail.

The Appeal on Ground (a)

13. A previous planning appeal against the refusal to grant permission for the construction of a rear dormer, single storey rear extension, outbuilding and car port was dismissed in December 2024. The reason for refusal related purely to the dormer window. From reading the decision the representative of the Inspector who conducted the site visit noted that a similar dormer to that proposed in the plans before him had already been erected. However, he clarified that he was basing his decision on the plans and not on the development as constructed.
14. The opposite is the case here and I must base my decision on the development, as constructed, which is the subject of the enforcement notice. However, the broad shape and size of the dormer is the same as that previously considered, as is the cladding.
15. The main issue in the determination of the appeal on ground (a) is the effect of the dormer on the character and appearance of the dwelling and surrounding area.
16. Tippet Close is part of what appears to be a late-20th century suburban housing development comprised of a series of cul-de-sacs branching off from the primary access road of Holst Crescent. In design terms the dwellings are typical of the period, being of bricks and mortar construction with pitched roofs and limited architectural embellishment, save for some string coursing with red-brick to contrast with the buff coloured brickwork. Russet coloured imitation pantiles form the roof covering and the majority of properties contain brown UPVC windows, albeit that some have been replaced with white frames.
17. Whilst the estate wouldn't win any design or innovation awards there is a high degree of consistency in terms of the palette of materials. The surrounding roofs were largely free of dormers and I did not see any of the scale of that constructed at the appeal site.
18. Due to the layout of the estate the dormer is not prominent in the wider area beyond Tippet Close but it looms into view once one turns the corner from Holst Crescent. From that vantage point the dormer does form a dominant feature on account of its overall scale, volume and box-like appearance which contrasts awkwardly with the original form of the pitched roof. Very little of the original roof remains visible. Thus, purely on account of its scale and proportions the dormer is unsympathetic and causes harm to the character and appearance of the dwelling and surrounding street scene.

19. As noted in the previous appeal decision, the composite cladding and black window frames provide a bold, contemporary, appearance which contrasts with the palette of materials on the original dwelling and surrounding estate. However, whilst I am loathe to differ from a previous decision, the fact that something is different in terms of materials does not automatically mean that it causes harm.
20. The design of the original estate is bland in architectural terms. Whilst there is uniformity in the use of materials the result is not particularly inspiring and maintaining uniformity just for the sake of uniformity is not necessarily an appropriate design approach in my view. Some variety of material, contrasting against the monotony of brown adds a degree of interest.
21. In fact, the contrast between the more contemporary appearance of the composite cladding and the traditional materials of the dwelling is not harmful of itself. It is an approach often used in architectural terms to distinguish between the original and extended parts of a structure. Similarly, the “loft style” design of the windows provides a modern aesthetic, with the extent of glazing helping to break up the mass of the rear façade.
22. Consequently, whilst I find that the development is harmful on account of the volume and box-like appearance of the dormer, the materials used do not cause harm of themselves, notwithstanding that they are different from the established palette. Nonetheless, the harm caused on account of the proportions of the structure is such that there is conflict with policies D1 (Designing a High-Quality Place), D2 (Creating a Positive Character) and D3 (Design of Buildings) of the Milton Keynes Council Plan:MK (2019), and Policy WNP 15 (Design Principles) of the Walton Neighbourhood Plan (2022) which amongst other things require that development proposals respond appropriately to the site and surrounding context, are locally inspired, that extensions relate well to the existing building and do not detract from its character or that of the surrounding area. Policy WNP15 also seeks to avoid the introduction of new features such as coloured cladding.
23. Whilst I have found harm in that regard, I must consider the potential fall-back position of a dormer that could be constructed under “Class B” permitted development rights, if the existing structure was first removed. The appellants clearly have a need and/or desire for further space and it seems a realistic prospect that they would seek to utilise such rights.
24. The dormer is no larger than could be erected under permitted development rights and falls foul of the conditions and limitations of Class B on account of the materials and potentially window size and shape. In discussions the Council had previously indicated to the appellant that an alternative colour of Ecoscape cladding, described as “Autumn” may be sufficient to meet permitted development requirements¹. The name would indicate a colour similar to the existing roof tiles but I understand that colour was only available in decking format and not cladding.
25. However, the upshot of the advice given by the Council and the outcome of the CLOPUD appeal is that a dormer of exactly the same size as that constructed but with a russet coloured cladding and windows of a similar size to those in the existing dwelling would be likely to amount to permitted development.

¹ Email from Mr Suleman Uddin to Mr Andrew Pegley dated 08 May 2024

26. In my view, that arrangement would undoubtedly be worse, in design terms, than the present arrangement. The scale and box-like proportions would be the same and the change in colour would not hide that. In fact, by using the same colour the monotony of the scale of the structure would be emphasised.
27. Similarly, using smaller windows would result in a significantly greater amount of cladding on the rear façade. In comparison to the present windows which provide a lightweight and airy appearance, the “permitted” dormer would appear significantly more bulky. The windows would also look disproportionately small in comparison to the extent of cladding.
28. In its wisdom, the Government has accepted that dormer windows of the scale constructed can fall within permitted development rights, no doubt seeking to balance the reduced burden on householders in terms of regulatory control against other factors, including design. Although the condition to require similar materials may off-set visual harm in some instances, I am not satisfied that would be the case here for the reasons given. In my view the result would be more harmful than the present dormer.
29. Consequently, whilst I am very mindful of the need for consistency in decision making, I have also had the opportunity to consider the likely fall-back scenario, perhaps in more detail than the previous decision maker, given that I have also determined the CLOPUD appeal. For the reasons given, I am of the view that the likelihood of greater harm arising than the present dormer is a material consideration that weighs heavily in favour of the grant of planning permission.
30. Moreover, a decision to refuse to grant planning permission and uphold the enforcement notice would be disproportionate in my view, having regard to those circumstances.

Conclusion on Ground (a)

31. Accordingly, whilst the harm arising from the development results in conflict with the relevant policies of the development plan, other material considerations outweigh that conflict and indicate that a decision contrary to the policies of the development plan should be taken. No conditions have been put forward and I am satisfied that none are necessary to make the development acceptable in planning terms. It follows that I shall allow the appeal on ground (a), grant planning permission for the erection of the dormer and that the enforcement notice will be quashed.
32. In view of my decision in that regard, the appeal on ground (f) no longer falls to be considered.

Chris Preston

INSPECTOR