



Appeal Decision

Site visit made on 7 November 2006

by **J D S Gillis B A (Hons) MRTPI**

an Inspector appointed by the Secretary of State for
Communities and Local Government

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Date: 21 November 2006

Appeal Ref: APP/C2741/A/06/2020378

22 Bewlay Street, York, YO23 1JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Wills & Co. Developments Ltd. against the decision of City of York Council.
- The application Ref 06/00434/FUL, dated 26 February 2006, was refused by notice dated 8 May 2006.
- The development proposed is a dormer to rear elevation.

Summary of Decision: The appeal is dismissed.

Procedural Matter

1. The development had commenced prior to the submission of the application for planning permission, and hence the application was retrospective.

Main Issues

2. From the representations received and my inspection of the site and surrounding area I consider that the main issues in this case are the effect of the dormer on the character and appearance of the building and surrounding area, and whether it results in material harm to the living conditions of occupiers of nearby property in relation to visual dominance and loss of privacy.

Planning Policy

3. The City of York Local Plan has not proceeded to adoption, but has been subject to local public inquiry which was suspended for further work to be undertaken in relation to the green belt. A number of changes have been made to the submitted draft plan, and it has been adopted by the Council for development control purposes. The plan does not carry the full force of the development plan but is a material consideration.
 4. Draft policy H7 sets out criteria to be met by extensions to residential property, including ensuring that the design, scale and materials are sympathetic and appropriate to the main building and the locality, and that the amenities of neighbouring residents are protected. This is reinforced by draft policy GP1, which sets out design requirements for all development proposals.
 5. The Council has also referred to Supplementary Planning Guidance on extensions and alterations to private dwelling houses. As this guidance has not been subject to public consultation it is of reduced significance, but it does
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provide design advice, including the desirability of avoiding dormers of unsympathetic design, including those that are over-large and flat roofed.

6. In addition, national policy guidance in Planning Policy Statement 1, *Delivering Sustainable Development*, [PPS1] highlights the desirability of producing such design guidance. PPS1 also emphasises the importance of good design, stating that high quality design should be the aim of all those involved in the development process and that local planning authorities, while avoiding unnecessary prescription or detail, should not accept design that is inappropriate in its context, or which fails to improve the character and quality of an area.

Reasoning

7. The appeal premises are located within a terrace of dwellings in a mature residential area of fairly high density. The dormer has been erected on the rear roof slope of the property, occupying a significant proportion of the roof area and incorporating a flat roof. The materials used are mainly lead facings to the side and roof, with white window frames.
8. The terrace forms part of a traditional housing area fairly close to the city centre, with attractive parkland to the east. While the properties are not of any special architectural or historic interest they are good examples of Victorian urban development displaying a form and design that highlights harmony and simplicity. They lend themselves well to current objectives of sustainable development.
9. Very few of the properties in this terrace, and that in Richardson Street backing on to the appeal site, have rear dormers, although a significant number have roof lights to loft conversions. Thus the original character and appearance of this part of the area has been largely retained, presenting a harmonious and coherent design. Essentially the only uncharacteristic feature along the rear of this terrace is the dormer at 31 Bewlay Street, which is at the end of the terrace and not readily visible as part of the rear street scene around the appeal premises.
10. In addition, many of the dwellings in this terrace have small front dormers of traditional design and materials which appear to have been part of the original design. Furthermore, some properties in the area, including some on Bishopthorpe Road near to the appeal premises, have small rear dormers of traditional design and appearance, although less ornate than those on the front elevations. Such dormers relate sympathetically to the character and appearance of the buildings.
11. In these circumstances I consider that the dormer erected on the rear of the appeal premises is a discordant element that results in significant harm to the character and appearance of the individual building and the immediate surrounding area. Its size, scale, design, form and materials fail to respect the design of the original building and its surroundings. It thus conflicts with national policy guidance in PPS1 and draft Local Plan policies H7 and GP1, and the Council's design guidance on alterations and extensions to dwellings.

12. Reference has been made to other rear dormers in the surrounding area, and particularly to that recently approved and erected at 8 Bewlay Street – which is very similar to that erected at the appeal premises. I accept that a number of rear dormers, of varying size, scale, design, form and materials have been erected in the wider surrounding area. However, each case must be determined on its individual circumstances, although there is also a need for consistent decisions.
13. As I have already indicated, the terrace including the appeal premises, and that adjacent in Richardson Street, has largely retained its original attractive character, appearance and design – unlike most of the other locations where rear dormers have been referred to. I consider that it is important to ensure that these features are retained and that any alterations or additions should respect these matters. While a rear dormer has been erected at 31 Bewlay Street I do not consider that this single instance provides a justification for further dormers of non-traditional design and appearance.
14. In relation to the dormer at 8 Bewlay Street, this is to the rear of the terrace opposite the appeal premises where there are already a very significant number of rear dormers of various sizes, designs and materials. Hence the original character and appearance of that terrace had been changed prior to the erection of this particular dormer. In addition, that terrace backs on to much more recent housing of completely different layout, form, design, character and appearance.
15. In my view the circumstances of the appeal premises are sufficiently different to warrant a different decision to those given in the wider area.
16. Turning to the question of the effect on living conditions of occupiers of nearby properties, I accept that a dormer would result in greater visual dominance and potential loss of privacy than roof lights. However, the distance between the dormer and the rear windows of properties facing, in Richardson Street, provides reasonable separation, and the rearmost windows of those properties tend not to be main habitable rooms.
17. In these circumstances I do not consider that the harm to living conditions would, in itself, be sufficient to refuse planning permission. Nevertheless, it adds to the other harm that I have identified.

Conclusion

18. I have had regard to all other matters raised, but none of them are sufficient to outweigh those that have led to my decision. The erected dormer conflicts with national and local design guidance and policies of the draft Local Plan and is unacceptable.

Formal Decision

19. I dismiss the appeal.

J D S Gillis

Inspector