

INFORMATION REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION

PLANNING APPEAL DECISION

ERECTION OF PITCHED ROOF DORMER STYLE EXTENSION AT REAR AND
CONSERVATORY AT SIDE OF DWELLING

ERW LAS, PANT DU ROAD, ERYRYS
APPLICATION NO. 21/2013/0797/PF

1. PURPOSE OF REPORT

- 1.1 This report attaches, for Members information, an appeal decision from the Planning Inspectorate relating to the Council's refusal of planning permission for the above development.
- 1.2 The item is presented to Members as the appeal decision raises important matters of interpretation of the Local Development Plan policy relating to extensions to dwellings, and there are a number of conclusions in the appeal Inspector's decision letter which are material to Members and Officers considerations of similar proposals in the County.

2. BACKGROUND

- 2.1 The planning appeal arose from the decision to refuse the application to extend a private dwelling in open countryside. The decision was made under Officers delegated powers in August 2013. The reason for refusal was as follows:

1. It is the opinion of the Local Planning Authority that the proposed extension would not be subordinate to the original dwelling; as the proposal combined with the previous extension would double the footprint of the original dwelling, contrary to test i) of Policy RD3 Extensions and Alterations to Dwellings of the Local Development Plan and advice contained in SPG1 Extensions to Dwellings.

LOCAL DEVELOPMENT PLAN POLICY RD3

- 2.2 For information, the main policy of the LDP relating to extensions to dwellings states as follows:

The extension or alteration of existing dwellings will be supported providing the following criteria are met:

- i) the scale and form of the proposed alteration or extension is subordinate to the original dwelling, or the dwelling as it was 20 years before the planning application to extend is made; and*
- ii) the proposal is sympathetic in design, scale, massing and materials to the character and appearance of the existing building; and*
- iii) the proposal does not represent an overdevelopment of the site.*

2.3 The application was submitted in June 2013, after the formal adoption of the Local Development Plan, hence it was considered by Officers in accordance with the above policy.

2.4 Relevant sections of the Case Officer's summary of the proposals and the reasons for concluding the development was contrary to policy RD3 are set out below. This formed the main case to the Planning Inspectorate on the appeal lodged against refusal:

The original dwelling (pre 2010 extension) had a footprint of approximately 70m sq.

The dwelling has been extended in 2010, when approximately 48m sq was added on to the southern side.

The main extension would add over 6m in width and 9m to the depth of the dwelling, thus an overall footprint increase of over 54m sq. This extension would be two storey, although this would be achieved by excavation rather than increasing the ridge height. The conservatory would add another 9m sq to the footprint. It is noted that the extension permitted in 2010 would have resulted in the dwelling becoming a 4 bedroom house, with a large lounge and kitchen area. The submitted 'existing' plans appear to be at odds with the previously approved plans, showing 1 bedroom less.

Test i) of planning policy RD3 specifically states that the extension must be subordinate in scale to the original dwelling. It is noted that the original dwelling was a simple bungalow, measuring roughly 70m sq. The 2010 and proposed addition to the bungalow would have a footprint extension of over 100sq m. The original frontage would be doubled and an additional storey added.

It is considered that the proposals would not comply with the requirements of the policies, and would not therefore have an acceptable impact on visual amenity.

2.5 The Officer conclusion on the application was therefore that the proposal to more than double the footprint of the pre 2010 dwelling was contrary to test i) of Policy RD3, as this could not reasonably be regarded as subordinate to the original dwelling. It was not considered there were conflicts with the other tests of the policy relating to design, scale and massing, or overdevelopment of the site.

3. POINTS OF INTEREST FROM THE APPEAL DECISION.

- 3.1 Initially it is relevant to note that the Planning Inspector identified the main planning issue to be the effect of the development on the character and appearance of the host property and the surrounding area.
- 3.2 The Inspector was aware that the proposal would effectively double the footprint of the original dwelling, and that the Council had refused the permission on the basis that this failed the test in Policy RD3 of the LDP, requiring extensions to be subordinate to the original dwelling.
- 3.3 However, the Inspector took a broader view of the policy having regard to the detailing of the development, concluding the design features of the main extension would be sufficiently sympathetic to the dwelling to ensure that it would be 'visually subordinate', thereby minimising its visual impact. He noted the extension would by virtue of its siting be largely unseen from the public highway, and would be screened in part by

woodland, ensuring the design features would not appear discordant. He assessed the conservatory separately, referring to its more modest scale, and concluded this would remain subservient to the dwelling and would not cause material harm.

- 3.4 The Inspector's summing up is interesting in that it highlights the conclusion that the development would be sufficiently sympathetic in design terms to ensure that it would be visually subordinate and would not cause material harm to the character of the host property and surrounding area; and he consequently determined there was no conflict with policy or the advice in the Council's Supplementary Guidance on extensions.
- 3.5 The appeal decision suggests the Planning Inspectorate do not consider it reasonable to base refusal of permission on a narrow interpretation of what may be 'subordinate' in terms of extensions to existing dwellings. Whilst Officers had, in this instance, attached significance to actual / proportional increases in footprint / floorspace in assessing the issue of subordinate development, it is clear that the Inspector in this case took a wider perspective. The Inspector attached greater weight to the overall design and visual impact considerations, and whether the resulting development would be visually subordinate, and acceptable in terms of effect on the character and appearance of the dwelling and the surrounding area. It is significant that in allowing the appeal, the Inspector actually concluded there was no conflict with Policy RD3.

4. RECOMMENDATION

- 4.1 That the Planning Committee notes the information report.

GRAHAM H. BOASE

HEAD OF PLANNING & PUBLIC PROTECTION





Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 26/11/13

gan **Richard E. Jenkins BA (Hons) MSc MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: **04/12/13**

Appeal Decision

Site visit made on 26/11/13

by **Richard E. Jenkins BA (Hons) MSc MRTPI**

an Inspector appointed by the Welsh Ministers

Date: **04/12/13**

Appeal Ref: APP/R6830/A/13/2206179

Site address: Erw Las, Pant Du Road, Eryrys, Mold, CH7 4DD

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 Mrs Elsie Sheldon against the decision of Denbighshire County Council.
 - The application Ref 21/2013/0797/PF, dated 24 June 2013, was refused by notice dated 19 August 2013.
 - The development proposed is the erection of pitched-roof dormer-style extension at rear and conservatory at side of dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a pitched roof dormer style extension at rear and conservatory at side of dwelling at Erw Las, Pant Du Road, Eryrys, Mold, CH7 4DD in accordance with the terms of the application, Ref 21/2013/0797/PF, dated 24 June 2013, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than five years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matter

2. I have taken the description of development from the Council's Notice of Decision as it provides a more concise and accurate description of the development proposed.

Main Issue

3. This is the effect of the proposed development on the character and appearance of the host property and surrounding area.

Reasons

4. The appeal property comprises a single storey dwelling in a countryside location to the north east of Eryrys. The property is set back at right angles to the road, with the southern tip of its curtilage forming an access onto the highway. The appeal proposal

would erect a split level extension to the northern elevation, with a more modest conservatory to the western elevation.

5. The proposed extensions, in combination with a previous extension granted planning permission in 2010, would effectively double the footprint of the original dwelling. For this reason the Council consider the proposal to fail the test in policy RD3 of the adopted Local Development Plan (LDP) 2013, which, amongst other things, requires extensions to be subordinate to the original dwelling.
6. However, whilst the property struggles in its definition of the principal elevation, the split level extension would effectively be located to the rear of the property, at least when viewed from the public highway. This extension would also be set back from the western elevation, set down from the ridge height of the existing building and would comprise materials to match those on the host property. In this respect, whilst I acknowledge the incremental increase in floor space, including the substantial increase proposed in this appeal, I consider that the proposed design features would be sufficiently sympathetic to the host property to ensure that it would be visually subordinate, thereby minimising its visual impact.
7. I acknowledge that the proposed gable feature would extend beyond the rear building line to the east. I also acknowledge that the proposed dormer is not a typical feature of the property. However, by virtue of their siting, both features would be largely unseen from the public highway and would be well screened to the north by a small area of woodland. Notwithstanding this, the proposed gable would mirror the existing gable to the south and any easterly views of the proposed dormer would be set against the backdrop of the pitched roof. For these reasons I do not consider that the proposed features would appear dominant or discordant.
8. Finally, whilst the proposed conservatory would be visible from the public highway, its more modest scale and lean to roof would ensure that it would remain subservient to the host property. As such I do not consider it would cause material harm.
9. For these reasons I conclude that the proposed development would be sufficiently sympathetic in design terms to ensure that it would be visually subordinate and would not, therefore, cause material harm to the character and appearance of the host property and surrounding area. As such I find no conflict with Policy RD3 of the LDP (2013) or the advice contained within the Council's Supplementary Planning Guidance relating to Extensions to Dwellings.
10. For these reasons, and having regard to all matters raised, I conclude that the appeal should be allowed.

Richard E. Jenkins

INSPECTOR