Loft conversion to include rear dormer and roof windows to from roof elevation. Roof ridge line raised and concrete roof tiles to replace slate roof tiles

at:

38 York Road, Hitchin, Herts. SG5 1XB

Planning Appeal Statement of Case

by:

Philip Dean Limited
Town Planning Services

On behalf of:

Mr. & Mrs. Anderson

September, 2018

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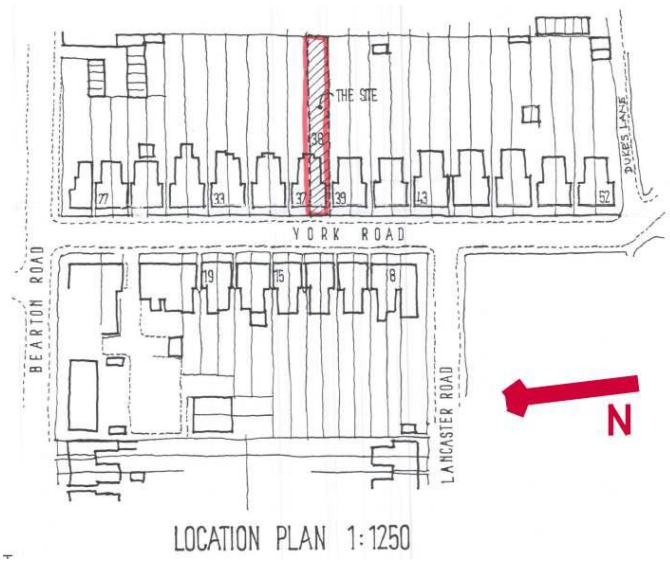
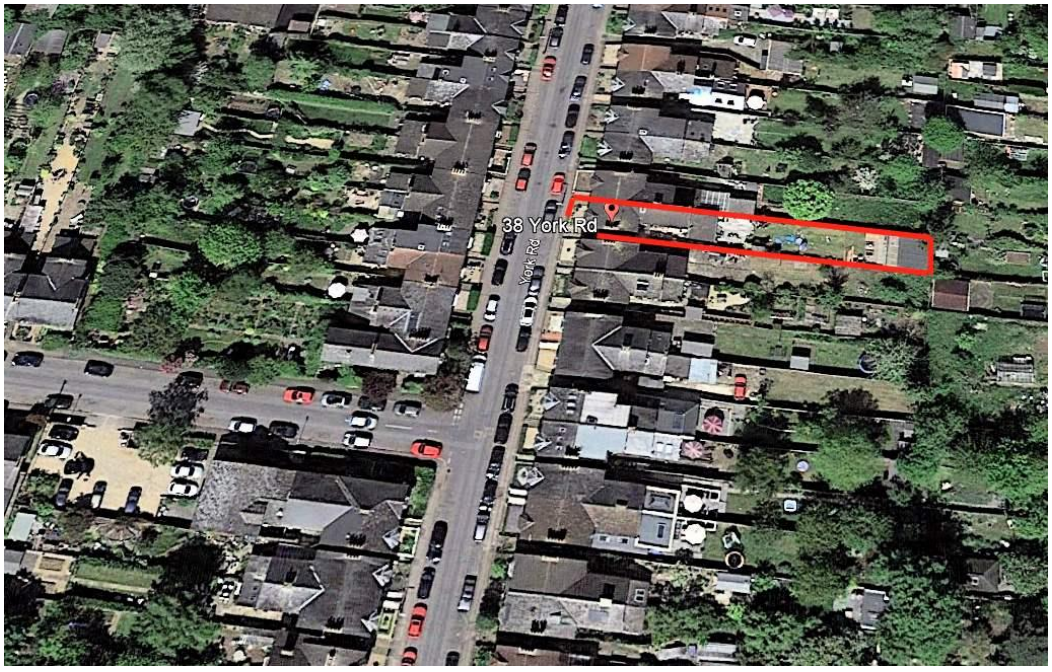
1.0 SITE AND SURROUNDINGS

1.1 The appeal site is located on the east side of York Road, some 35m north of the junction with Lancaster Road and some 75m south of the junction with Bearton Road. To the rear are the gardens linked with Ickleford Road. The site is to the north of Hitchin town centre.

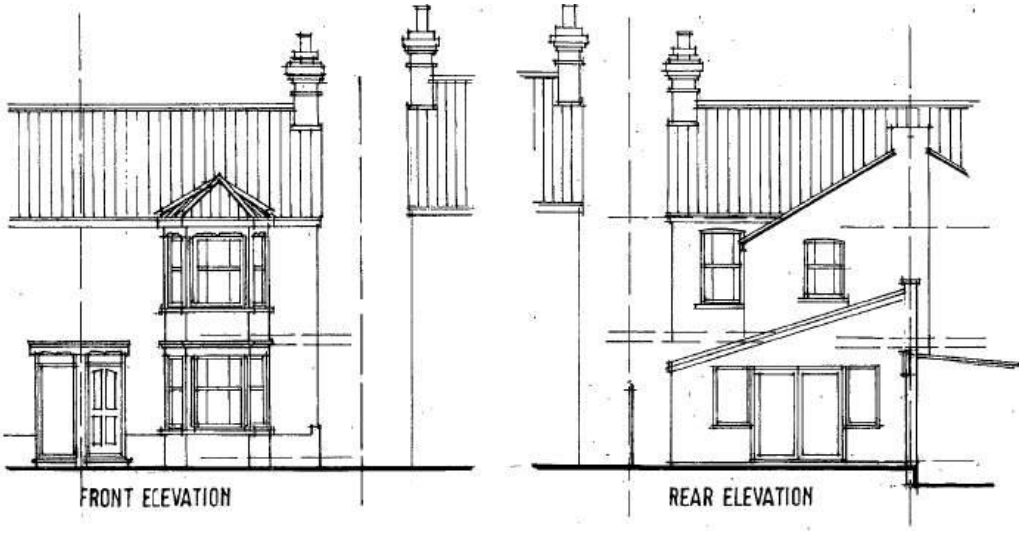


1.2 York Road is numbered consecutively on both sides of the road, the west side nos. 1-25 and the east side nos. 26-52.



Viewed north

1.3 Occupying the site is a two-storey, three-bedroom extended semi-detached Edwardian dwelling with double-height bay frontage windows and two-storey outrigger at the back. A single storey rear extension has been added to the rear of the outrigger.





Front



Rear

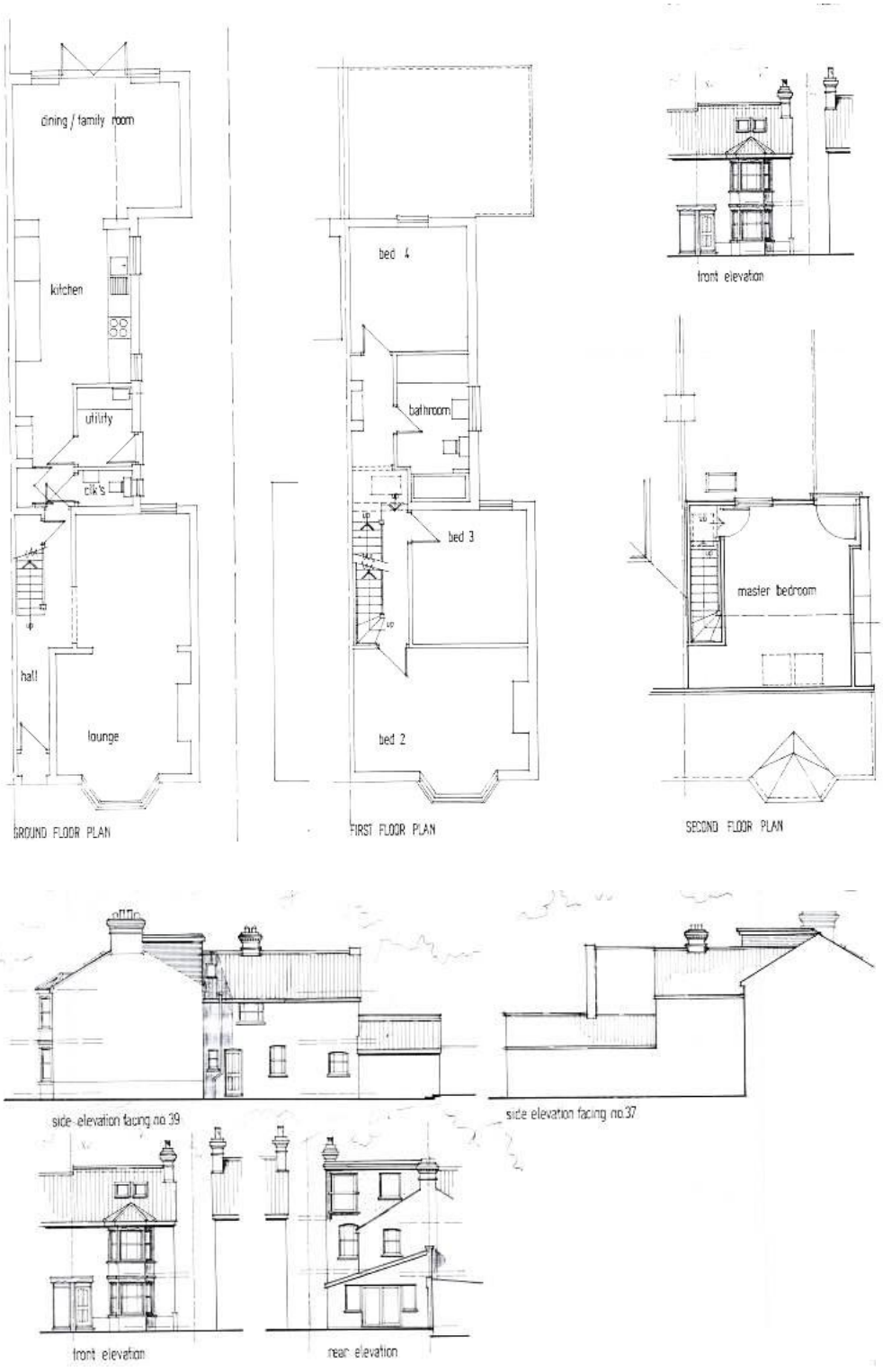
1.4 The site slopes away marginally towards the rear.

1.5 Plot dimensions are 57m deep with an overall width of 6.3m taking a rectangular form.

1.6 The site is very sustainable in terms of access to community, shopping, educational, cultural and medical facilities. It is also in a sustainable transport location in close proximity to local and regional bus routes and a 15 minute walk to the national rail station.

2. PLANNING HISTORY

2.1 Ref: 18/00226/FPH. Planning permission **GRANTED** for the extension of the ridge height of the main roof, insertion of dormer window to rear roof slope, insertion of two roof lights to front elevation to facilitate conversion of loft into habitable accommodation, dated 17th April, 2018. The key drawings associated with this permission are shown in extract below:



2.2 Other nearby sites with near identical roof extensions involving a wrap-around dormer similar to the appeal scheme include the following:

- 11 York Road, Hitchin

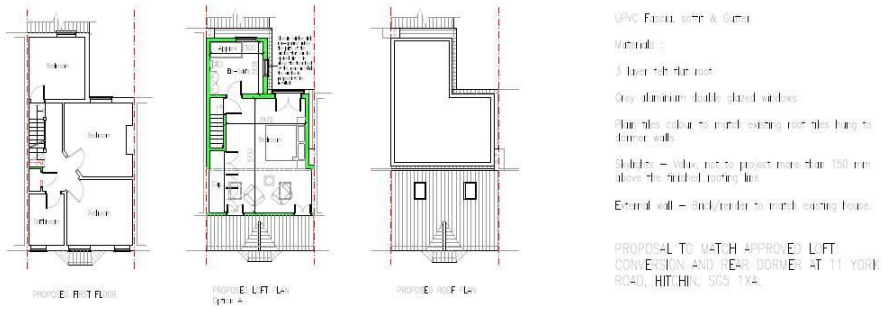
  Ref: 16/00072/1PUD. Certificate of Lawfulness **GRANTED** on 22nd January, 2016 for dormer window in rear roof slope and insertion of two roof lights in the front roof slope to facilitate conversion of loft to habitable accommodation.



- 17 York Road, Hitchin

  Ref 17/00879/1PUD. Certificate of Lawfulness **GRANTED** on 27th April, 2017 for a dormer window in rear roof slope and insertion of two roof lights in front roof slope to facilitate conversion of loft:





- 30 York Road, Hitchin.

  Ref: 15/01125/1HH. Planning permission **GRANTED** extensions and alterations including loft conversion and dormer on 12th June, 2015
  (No drawings available).

- 35 York Road, Hitchin.

  Ref: 11/01727/1PUD. Certificate of Lawfulness **GRANTED** for a dormer window in rear roof slope to facilitate conversion of loft to habitable accommodation, on 4th August, 2011.
  (No drawings available).

- 43 York Road, Hitchin

  Ref: 11/00888/1HH. Planning permission **GRANTED** on 25th May, 2011 for a dormer window in the rear roof slope to facilitate conversion of oft to habitable accommodation.
  (No drawings available).

- 44 York Road, Hitchin
- Ref: 11/01194/1PUD, Certificate of Lawfulness **GRANTED** on 4th August, 2011 for the insertion of a dormer window in the rear roof elevation to facilitate conversion of loft to habitable accommodation.
  (No drawing available).

  The location of all these near-identical roof extensions to the appeal scheme are shown in the aerial extract overleaf:



These developments are difficult to view on the ground given that they are to the rear of properties and not visible from any public viewpoint. However, our research indicates that they are all near identical to the appeal scheme currently before the Inspector and clearly represent a material consideration as established local character and forming a key part of local distinctiveness.

3 PLANNING POLICY

Government Guidance

3.1 National Planning Policy Framework (NPPF) 2018:

Firstly, para. 11 states that there will be a presumption in favour of sustainable development.

3.2 On matter of design, paragraph 127 states:

Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and,

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

3.3 The NPPF also makes reference to design in the following way at para 130:

"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions…… . Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development."

3.4 Finally relevant issues of design as contained at para 131 which states;

"*In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings*."

3.5 The efficient use of land is dealt with at para.117:

"*Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions."*

3.6 Para 118 goes on to say that:

"Planning policies and decisions should:

…d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively"

3.7 Para. 122 continues:

"Planning policies and decisions should support development that makes efficient use of land, taking into account:
….d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
e) the importance of securing well-designed, attractive and healthy places."

3.8 Finally on the issue of efficient use of land, para. 123 states:

"*Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:*
….c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework."

3.9 North Hertfordshire District Local Plan No.2 with Alteration

Policy 28 House Extensions

"For house extensions, the Council will normally only permit development proposals if:
i). the extension is sympathetic to the existing house in height, form, proportions, window details and materials; and
ii). pitched roofs are used where appropriate, particularly if the extension is more than the height of a single storey."

Policy 55 Car Parking Standards

3.10 Emerging Local Plan 2011-2031

Policy D1 Sustainable Design;

Policy D2 House extensions and replacement dwellings;

"Planning permission for house extensions will be granted where:
a. The extension is sympathetic to the existing house in height, form, proportions, window details and materials;
b. Pitched roofs are used where appropriate, particularly if the extension is more than the height of a single storey;
c. Rear extensions do not dominate adjoining properties and are well related to the levels of adjoining properties, the direction the house faces and the distance between the extension and the windows in the next door properties; and
d. Side extensions, at first floor level or above, adjoining a residential plot to the side are at least 1 metre from the boundary to ensure there is no adverse impact on the character of the street scene."

Policy D3 Protecting living conditions;

Planning permission will be granted for development proposals which do not cause unacceptable harm to living conditions.
Where the living conditions of proposed developments would be affected by an existing use or the living conditions of an existing development would be affected by a proposed use, the Council will consider whether there are mitigation measures that can be taken to mitigate the harm to an acceptable level. If the Council is not satisfied that mitigation proposals would address the identified harm, development proposals will not be permitted.

Policy T2 Parking

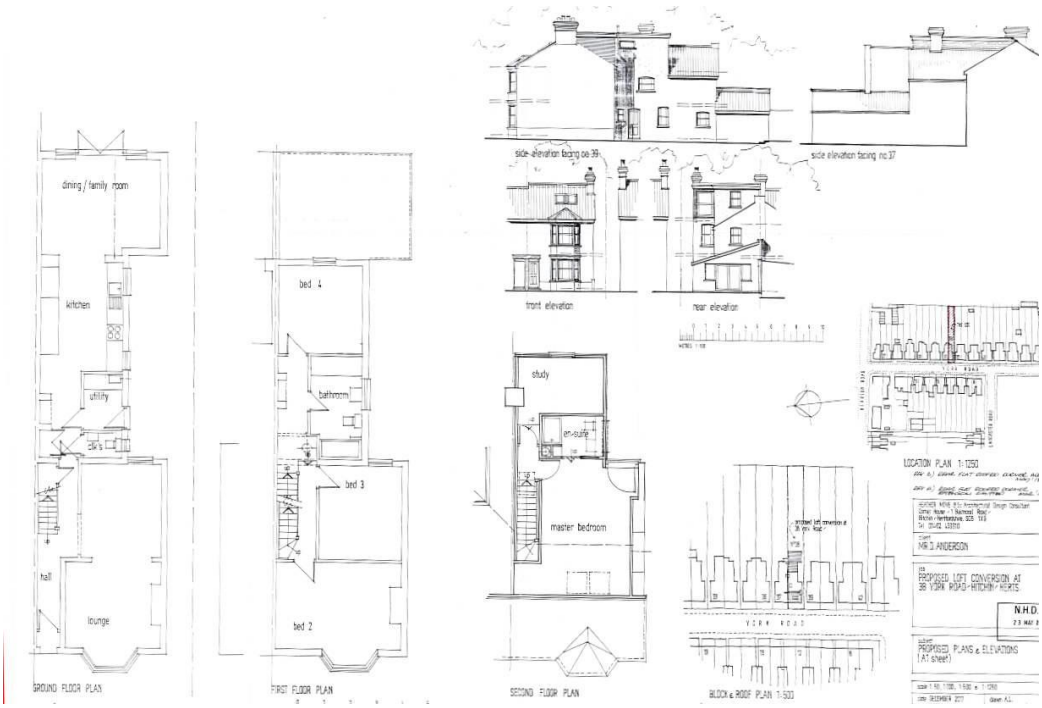
3.11 Supplementary Planning Document

Vehicle Parking at New Development (2011)

4. APPEAL PROPOSAL

4.1 The proposal is a revised scheme pursuant the grant of permission for the raising of the ridge and the insertion of a dormer in the rear roof slope (see planning history para. 2.1, planning application ref: 18/00226/FPH).

4.2 In addition to the raising of the ridge, two front roof lights and the dormer in the rear roof slope, the appeal scheme includes a wrap-around dormer above the rear outrigger to a depth of 4.25m to accommodate a study and en-suite. The en-suite will gave a side high-level window and the study will be lit by a rear-facing sash casement window.



4.3 Finishes would be vertical tile hanging and slate roof.

4.4 The planning application was submitted on 19th May, 2018 and registered/validated on 23rd May, 2018. Planning permission was **REFUSED** on 11th July, 2018 for the following reason:

"By way of its height, form and proportions the proposed ridge height extension together with the insertion of a rear dormer window and roof extension would not be a sympathetic addition and would therefore be contrary to Policy 28 of the North Hertfordshire District Local Plan No.2

with Alterations and Policy D2 of the North Hertfordshire Emerging Local Plan 2011-2031. Moreover, the proposal would fail to improve the character of the area or the way it functions contrary to paragraph 64 of the National Planning Policy Framework."

5.0 PLANNING CONSIDERATIONS

5.1 In the light of the specified reason for refusal by the local planning authority (LPA), the relevant development plan policies, the guidance contained in the National Planning Policy Framework 2018, the planning history relating to the site, the characteristics of the property and the surrounding area, similar local decisions made by the Local Planning Authority and the circumstances of the appeal case, the following issues are considered to be relevant and should be scrutinised:

1. Clarification as to the material planning issues and circumstances of the case.

2. Whether the proposed new ridge height extension would fail to represent a 'sympathetic addition' and hence be contrary to local plan policy and National Planning Guidance?

3. Whether the rear dormer window would fail to represent a 'sympathetic addition' and hence be contrary to local plan policy and National Planning Guidance?

4. Whether the rear roof extension would fail to represent a 'sympathetic addition' and be hence contrary to local plan policy and National Planning Guidance?

5. Whether the combination of the increased ridge, new rear dormer and the rear roof extension would fail to improve the character of the area contrary to the requirements of the NPPF?

Each of these points will be examined below. We have not concentrated on the front roof lights and replacement roof tiles as these parts of the proposal are unobjectionable to both main parties and I any event already enjoy the grant of planning permission.

5.2 1. ***Clarification as to the material planning issues and circumstances of the case.***

As stated in paragraph 4.1 above, the appeal proposal is a revised scheme pursuant the grant of permission for the raising of the ridge and the insertion of a dormer in the rear roof slope granted on 17th April, 2018 this year, (see planning history para. 2.1, planning application ref: 18/00226/FPH). This 'fall-back' position is a key consideration in the assessment of the merit of the appeal scheme, given that the appellant is able to undertake the majority of the proposed development whether or not the present appeal is allowed. Such a 'fall-back' position is well established in case law and in Court decisions provided in recent years. Of course, the planning inspector is perfectly able to consider the appeal scheme afresh and to consider it on its planning merits. However, these planning merits must include the an assessment of the relevant planning history relating to the appeal site and the existence of any extent permission.

5.3 The appeal position is therefore heavily influenced by the earlier decision by the local planning authority (LPA) to grant planning permission for three of the four main external elements of the appeal scheme (i.e. the front roof lights, the raising of the main ridge height and the rear-facing dormer). The only element that does not enjoy a current permission is the proposed outrigger extension which in isolation can in fact be constructed under 'permitted development'. This fact should also be an influential factor is the assessment of this planning appeal.

5.4 2. ***Whether the proposed new ridge height extension would fail to represent a 'sympathetic addition' and hence be contrary to local plan policy and National Planning Guidance?***

The LPA's decision states that the proposed ridge height extension would not be a sympathetic addition. This increase in ridge level is minimal at 0.3m. The officer view at the time of the previous application was that …." *Although the extension to the ridge would slightly unbalance the pair, I do not believe that this would have a significant visual impact",* (planning case officers delegated report). We would

agree with this assessment. It is therefore strange and somewhat incomprehensible that the same increase in ridge height is now considered to be an “unsympathetic addition”? Furthermore, what was previously considered to be in conformity with local plan policy 28 (Design and Appearance), is now considered to be in breach? This is an inconsistent position and one that cannot be logical or plausible.



Previously approved scheme Current appeal scheme

5.5 3. ***Whether the rear dormer window would fail to represent a ‘sympathetic addition’ and hence be contrary to local plan policy and National Planning Guidance?***

Once again, the LPA’s decision states that the proposed rear dormer would not be a sympathetic addition. The officer view at the time of the previous application was that ….”*The rear dormer is an unfortunate part of the design but the principle of such an extension has been accepted on other properties in the area. Moreover, the rear dormer window would be located to the rear and would not have a negative impact on the street scene.”* (Case officers delegated report). We would agree with the thrust of this comment that the rear dormer is unobjectionable. Indeed we would highlight the fact that the planning case officer in reaching this conclusion stated that local character was a determining issue and took

account of the prevailing character of the area and noted similar developments in the locality which influenced his thinking and professional planning view.

5.6 What we now find strange and difficult to understand is that the same rear dormer is considered to be an “unsympathetic addition”? Furthermore, what was previously considered to be in conformity with local plan policy 28 (Design and Appearance), is now considered to be in breach? This is an inconsistent position and one that cannot be logical or plausible.

5.7 4 ***Whether the rear roof extension would fail to represent a ‘sympathetic addition’ and be hence contrary to local plan policy and National Planning Guidance?***

It seems that perhaps the key issue revolves around this part of the submission, being a feature which was not part of the previous submission and which does not currently enjoy any form of formal planning permission. The upward extension of the current outrigger would form an extension to the rear facing dormer and create a new study together with an en-suite. The en-suite facility would have a high-level side-facing window whilst the study a rear facing window. Overall depth of the extension would be 4.25m with a flat roof to match that of the rear-facing dormer.



Existing side elevation



Proposed side elevation

5.8 Of course the proposed side roof extension will not extend the full depth of the two-storey outrigger but cover only half its depth. As such it does not over-extend or cramp the rear elevation.

5.9 Furthermore, the roof extension would not be visible from any public viewpoint either from the front or rear and as such has no visible presence in the public realm.

5.10 There will be no increased overlooking arising from the window to the new study as there is already a rear-facing upper floor window from the first floor bedroom 4, so privacy levels to neighbouring occupiers will not be prejudiced. A 'no-worse' situation would exist. Further, the side window to the new en-suite will be high level, thereby generating no privacy loss through potential overlooking. It will also be noted that despite broad publicity and neighbour notifications, no neighbour or local resident has objected to the proposed scheme. Under the Localism Act, there is an importance to be attached to local views, and the absence of objection therefore constitutes a material planning consideration in the assessment of the merits of the scheme.

5.11 The rear extension forms an integral extension and continuation to the rear-facing dormer and in this sense presents good design. It also make good and efficient use of land as required by the new NPPF. The extension of existing domestic properties allows households to expand habitable accommodation at reasonable cost in order to accommodate expanding families. This is a cost-effective solution compared with the alternative scenario of seeking and purchasing a larger property. Householders are encouraged to extend and should only be prevented from doing so where there are clear-cut and sound grounds for doing so.

5.12 5. ***Whether the combination of the increased ridge, new rear dormer and the rear roof extension would fail to improve the character of the area contrary to the requirements of the NPPF?***

The final issue is the impact of the combined proposal on the character of the area, and this issue constitutes the second part of the LPA's reason for refusal.

5.13 The character and distinctiveness of the area should be taken into consideration and given reasonable weight in the assessment of the

merits of the scheme. Established character is a key component of material considerations stated in the National Planning Policy Framework. ‘Local distinctiveness’ is also a key factor. The appellant is not proposing anything unique or unusual but simply seek to repeat an architectural theme present in abundance in the neighbourhood.

5.14 We would suggest that the appellants’ scheme takes the opportunity to promote and re-inforce local distinctiveness in design and building form, and to reflect local character. We have identified a number of similar and near identical dormers and roof extensions in the immediate area which have either received planning permission from the LPA or obtained Certificate of Lawfulness. These are itemised in section 2 (para.2.2). These have been built and include wrap-around roof extensions which form substantial additions to the rear outrigger in similar manner to that shown in the appellants’ proposal. This has established local character to the extent that they are a common feature. The aerial photo extract at Page 8 above shows the position of these properties in relation to the appeal site and the theme which is becoming dominant in the street. The appeal scheme would not therefore be out-of-keeping and does not undermine or reduce the quality of the built environment. Policy 28 of the current local plan and policies D2 and D3 of the emerging local plan are therefore satisfied, good design is therefore maintained and the way the locality functions in design-terms is safeguarded.

5.15 It is also worthwhile commenting on the fact that the site does not fall within a designated Conservation Area nor in an area of special designation by the LPA. Whilst pleasant and attractive, the locality should not be the subject of undue interference by the LPA. We would suggest that slavish adherence to perfection in regulation is not the purpose of the planning system. The purpose of the planning system in regulating reasonable domestic additions is to prevent, what the public would view as, clear infringements of matters of importance to them. In other words, preventing structures which have a detrimental impact on the area through mass, form, bulk, scale, character and layout to the extent that the general public would object. This is not the case here. It is

important to note that here are no objections from neighbours or the general public (as we have already highlighted).

5.13 It is important to establish a pragmatic and sensible approach to the domestic extension development. Householders are encouraged to extend properties in a fair and reasonable manner without the interference of local planning authorities whose role is not to maintain private interests but to secure good planning in the public interest. The public interest is not prejudiced with this reasonably designed proposal.

5.14 It seems clear that in refusing this scheme, the Council has simply taken a view of unacceptability based on personal preference rather than common sense. From this point the LPA has attempted to justify its position by attaching generalised local plan policies which do not specifically relate to roof extensions. This is not the correct approach. The first material consideration remains the development plan, and based on a pragmatic interpretation of development plan policies it is clear that there are no sound and clear-cut designed-based reasons for refusing the appellants reasonable request. Furthermore, the proposal is ‘sustainable’ in terms of making good and efficient use of urban land.

Overall, it is considered that there is sufficient justification to allow this planning appeal.