

Officer Report On Planning Application: 15/03635/FUL

Proposal :	Construction of dormer window to rear roof slope (Retrospective Application). (GR 337547/106195)
Site Address:	49 Church Street Winsham Chard
Parish:	Winsham
WINDWHISTLE Ward (SSDC Member)	Cllr S Osborne
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date :	15th October 2015
Applicant :	Mr Anthony Willis
Agent: (no agent if blank)	
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

Requested by the Ward Member and Area Chair to allow the Committee to consider the impact on the Conservation Area and due to the level of public interest.

SITE DESCRIPTION AND PROPOSAL





The application site is located within Winsham and consists of an end of terrace property located to the eastern side of Church Street. The property is within the Winsham Conservation Area.

There is a detached bungalow to the south of the site. The adjoining attached terraced dwellings are located to the north of the site and are currently not extended within their respective roof spaces with dormer windows. The subject dwelling has been extended to the rear by way of two single storey flat roof extensions. There is a rear projection with a cat slide roof which appears to have been part of the original dwelling. At the top of the cat slide roof, below the eaves line of the main roof, there is a small dormer window measuring approximately 1.9 metres in width by 0.9 metres in height. This dormer accommodates a staircase.

The application seeks retrospective consent for the construction of a flat roof dormer window in the rear roof slope of the dwellinghouse. The dormer window fills the majority of the rear roof slope of the dwellinghouse. It measures 5.7 metres in width compared to the width of the roofslope of 7.7 metres. It measures by 2.5 metres in height compared to the height of the main roof which is 2.7 metres. The highest part of the roof of the dormer is set down approximately 0.1 metres from the ridge of the main roof.

The dormer window has facilitated the conversion of the loft of the dwellinghouse into a bedroom with ensuite W/C. There are two upvc windows within the dormer which serve the bedroom. The rear face and sides of the dormer have been clad with slates to match the main roof. The flat roof section of the dormer window is finished in grey fibreglass.

HISTORY

There is no history of relevance to this proposal.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that the decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the Local Planning Authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the South Somerset Local Plan 2015. The Local Plan was adopted by South Somerset District Council in March 2015.

In relation to Conservation Areas, Section 72 of the Listed Building and Conservation Areas Act places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving or enhancing the character and appearance' of the conservation area.

The National Planning Policy Framework (NPPF) is a material consideration.
The following chapters are of most relevance:

National Planning Policy Framework
Chapter 7 - Requiring Good Design
Chapter 12- Conserving and enhancing the Historic Environment

Local Plan (2006-2028)

The following Local plan policies are considered to be relevant:

SD1- Sustainable development
EQ3- Historic Environment
EQ2- General development

National Planning Practice Guidance:

The following sections have the most relevance:

- Determining an application.
- Conserving and enhancing the historic environment
- Design

CONSULTATIONS

Winsham Parish Council:

No objections.

Conservation Officer:

This application relates to a large box dormer on the rear elevation of the rear of this end of terrace house which is in Winsham Conservation Area.

Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

The Court of Appeal has made it absolutely clear that the statutory duty in relation to sections 72 does not allow a local planning authority to treat the desirability of preserving the character and appearance of conservation areas as a mere material consideration to which it can simply attach such weight as it sees fit. When an authority finds that a development would harm the

character or appearance of a conservation area, it must give that harm considerable importance and weight. Finding of harm gives rise to a strong presumption against planning permission being granted. This presumption is a powerful one, but not irrebuttable. It can only be outweighed by material considerations powerful enough to do so.

Applicants for consent that affects a heritage asset must be able to justify their proposals. The NPPF says that the LPA should require an applicant to describe the significance of any heritage asset affected including any contribution made to their setting. This should be sufficient to understand the potential impact of the proposal on its significance. As a minimum the Heritage Environment Record should have been consulted and the building assessed using appropriate expertise where necessary. When considering the impact of development, great weight should be given to the asset's conservation. Any harm or loss should require clear and convincing justification from the applicant. Any harm should be judged against the public benefit.

It is also a core principle of the NPPF that we should always seek good quality design. The Council has advice on residential extensions.

This large box dormer is not in the local vernacular, and is clearly contrary to the Council's design guidance. It is overly assertive on the rear elevation, and could be repeated along the row. Whether or not it can be seen from a public place is not a matter to which great weight should be attached.

The proposal is not good design and is harmful to the conservation area.

Highway Authority - No observations.

SSDC highway Consultant - No highway issues.

REPRESENTATIONS

In response to consultation 25 letters of support have been received from the locality. One anonymous letter of objection has been received which is given very limited weight as it was submitted anonymously. The following comments are made:

Visual/Residential amenity:

- The dormer window is in keeping with the Conservation Area and the locality in general.
- The dormer window is on the rear of the property and therefore has an acceptable impact on Church Street.
- Impact on neighbouring dwellings through overlooking is acceptable as no neighbours have objected.
- Solar panels have more of a detrimental impact on Church Street.

Other matters:

- The Parish Plan highlights the need for more dwellings being available for young families.
- Young families need to be encouraged to stay in the village in the interests of social sustainability. The dormer window will enable a young family to remain within the village.
- The neighbours support the application.

Objections: (Very limited weight given to these representations)

- Comments relating to the situation of the applicants are not material planning considerations.
- Dormer is bulky and poor design and therefore inappropriate.
- Application should not be considered differently because it is retrospective.

CONSIDERATIONS

Principle of Development

The principle of extending a residential dwelling is acceptable in principle. The acceptability of any proposal is dependent on compliance with the relevant development plan policies and any other material considerations. In this instance the principle material considerations relate to the impact of the proposal on the character and appearance of the dwelling and the wider Conservation Area and the impact on residential amenity.

Residential Amenity

In relation to residential amenity the proposal is considered to be acceptable. The windows within the dormer are in line with those within the rear elevation of the subject dwelling. Within residential areas such as this there is an accepted level of mutual overlooking from upper floor windows. As such the windows within the dormer do not introduce a significant additional element of overlooking that previously did not exist. As such the proposal is acceptable in this regard.

Visual Amenity and Heritage Assets

Within the Conservation Officer's response comment is made in relation to case law. Case law provides a legal precedent in terms of how to interpret legislation or planning guidance. A number of recent High Court and Court of Appeal judgements have provided clarity in terms of the application of the statutory requirement to preserve and enhance heritage assets. As stated by the Conservation Officer, the Court of Appeal has made it clear that the finding of harm to a heritage asset gives rise to a strong presumption against planning permission being granted. This presumption is a powerful one, but not irrefutable. It can only be outweighed by material considerations powerful to do so.

Local Plan policies EQ2 and EQ3 are of most relevance to the proposal. Policy EQ2 states:

Development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district. Development proposals, extensions and alterations to existing buildings, structures and places will be considered against:

- Sustainable construction principles;
- Creation of quality places;
- Conserving and enhancing the landscape character of the area;
- Reinforcing local distinctiveness and respect local context;
- Creating safe environments addressing crime prevention and community safety;
- Having regard to South Somerset District Council's published Development Management advice and guidance; and
- Making efficient use of land whilst having regard to:
- Housing demand and need;

- Infrastructure and service availability;
- Accessibility;
- Local area character;
- Site specific considerations

Policy EQ3 states:

Heritage assets will be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place. Their potential to contribute towards the economy, tourism, education and local identity will be exploited.

All new development proposals relating to the historic environment will be expected to:

- Safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets;
- Make a positive contribution to its character through high standards of design which reflect and complement it and through the use of appropriate materials and techniques;
- Ensure alterations, including those for energy efficiency and renewable energy, are balanced alongside the need to retain the integrity of the historic environment and to respect the character and performance of buildings, adopting principles of minimum intervention and reversibility.

Paragraph 132 of the NPPF states:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification".

It is noted that the Councils Conservation Officer has objected to the proposal. The dormer window whilst being located on the rear of the dwelling has a far greater visual prominence than that of flat roof single storey extensions given its elevated position within the roof. Currently the row of terraces provides an attractive traditional roof scape without unsuitable additions that is typical of a conservation area.

The side of the dormer would be visible from Church Street to the south of the subject site and the larger part of the dormer is visible from a number of residential gardens both from properties within the terrace and other surrounding properties.

The Council has published some design guidance; "Extensions and alterations to houses - a design guide (2010)" This provides design advice for applicants and is included within the supporting text to policy EQ2 as it expands upon the general principles within this policy for high quality development. The design guide is applicable to all areas whether designated or not. However, within a designated area such as this conservation area, the advice is particularly pertinent. Page 12 of the guidance states (inter alia);

- Dormers are only appropriate where they are characteristic features of the house or area.
- Dormers should not dominate the house. Observe the size guidelines shown in the diagrams.
- Bulky, full width and inverted roof dormers are very unlikely to be acceptable.

Page 11 of the guidance includes diagrams of appropriate and inappropriate dormer windows. Guidelines include ensuring that the dormer is less than half the length of the roof slope as measured from the eaves to the ridge. Where dormers are of appropriate traditional design their cumulative width should always be less than half the width of the roof. These guidelines are significantly exceeded as the flat roof dormer fills most of the rear roof slope. Furthermore, the asymmetrical design of the upvc windows within the dormer do not reflect traditional vernacular and further detract from the Conservation Area.

The overall excessive size and bulk of the dormer which fills the majority of the original roof slope of the dwelling along with its flat roof design and elevated position is considered to detract significantly from the traditional appearance of the dwelling and the appearance of the wider locality, including the row of terraces which currently benefit from an attractive traditional roofscape. As such the proposed dormer does not represent a high standard of design and consequently harms the character and appearance of the Conservation Area.

The positioning of the dormer to the rear elevation is not sufficient grounds for it to be judged as being acceptable given the identified harm and there are clearly wider views of the site from a number of residential properties in the vicinity. Notwithstanding this, government guidance within the NPPG maintains that lack of visibility of a heritage asset or proposal does not make a proposal acceptable where harm is identified. In any case, in this instance the dormer window is visible from a number of vantage points and harms the appearance of the wider area.

In accordance with the statutory requirement under Section 72 of the Listed Building and Conservation Areas Act 1991 (as amended) there are no material planning considerations that weigh in favour of the proposal so as to overcome the presumption against granting permission. Comments have been received from a number of nearby occupiers, including immediate neighbours in support of the proposal and these comments include the personal circumstances of the applicants, such as the need to remain within the village and accommodate a young family. These circumstances are not material planning considerations and are accordingly cannot be given any weight in the determination of the application.

Having regard to the above, the proposed dormer window is considered to harm the character and appearance of the Conservation Area and the locality in general contrary to Local Plan Policies EQ3 and EQ2 of the South Somerset Local Plan (2006-2028), guidance within Chapter 12 of the National Planning Policy Framework (2012) and Section 72 of the Listed Building and Conservation Areas Act 1991 (as amended).

Highways

The proposal would not present any issues in terms of highway safety and is therefore acceptable in this regard.

RECOMMENDATION

Refuse for the following reasons:

SUBJECT TO THE FOLLOWING:

01. The proposed dormer window by reason of its flat roof design, excessive scale, height and siting within a roof slope that is located within a conservation area and within a setting of a roofscape that is traditional in appearance and uninterrupted by other similar structures would cause significant harm to the character and appearance of the property

and the Conservation Area. As such the proposed development is contrary to policy EQ2, including the Councils design guidance; "Extensions and alterations to houses - a design guide (2010)" and policy EQ3 of the South Somerset Local Plan (2006-2028) and Chapter 12 of the National Planning Policy Framework (2012).
