
Appeal Decision

Site visit made on 20 June 2017

by Elizabeth C Ord LLB(Hons) LLM MA DipTUS

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

Decision date: 26 June 2017

Appeal Ref: APP/J2373/C/16/3162375

21 Cranleigh Avenue, Bispham, Blackpool, FY2 9LG

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Elaine Rowland against an enforcement notice issued by Blackpool Borough Council.
 - The enforcement notice, referenced 16/8054/OPS, was issued on 28 September 2016.
 - The breach of planning control as alleged in the notice is the erection of a rear dormer hung in brown uPVC and the erection of a side dormer hung in uPVC and with an opening window.
 - The requirements of the notice are: 1. Remove the rear dormer in its entirety or clad the rear dormer in a similar material to the original roof; and 2. Remove the side dormer in its entirety or clad the side dormer in a similar material to the original roof and seal the opening window.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c) and (f) of the Town and Country Planning Act 1990 as amended.
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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 rear dormer hung in brown uPVC and the erection of a side dormer hung in uPVC and with an opening window on land at 21 Cranleigh Avenue, Bispham, Blackpool, FY2 9LG referred to in the notice.

Reasons

Ground (c)

2. Under this ground the Appellant must show why the matters alleged do not constitute a breach of planning control.
 3. The Town and Country Planning (General Permitted Development)(England) Order 2015, Schedule 2, Part 1, Class B permits the enlargement of a dwellinghouse consisting of additions or alterations to its roof subject to certain conditions. One of those conditions is that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. Another is that any window on a wall or roof slope forming a side elevation must be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed.
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4. The existing dwellinghouse is constructed of red brick walls, with white uPVC fascia boarding to part of the front, and a tiled roof. Both dormers are clad in brown uPVC. This was also the situation at the time the enforcement notice was issued and is not contested. Therefore, the materials used to clad the dormers are not similar in appearance to those used in the existing dwellinghouse.
5. Furthermore, the window in the side dormer opens and the opening part is not more than 1.7 metres above the floor level and so does not comply with the aforementioned condition.
6. Consequently, for the reasons given, the development was in breach of planning control when the enforcement notice was issued and it remains in breach. Ground (c) therefore fails.

Ground (a)

7. Under this ground, planning permission is sought for the development as built. I consider the main issues to be the effect of the development on 1) the character and appearance of the area and 2) the living conditions of neighbouring occupiers in terms of outlook, and the privacy of the occupiers of no. 23 Countess Crescent.
8. The surrounding area is residential consisting of a mixture of house types and styles, with the immediate vicinity containing mainly bungalows similar in appearance to that of the Appellant. There are a number of dormers nearby, clad in a variety of materials including white uPVC and other coloured uPVC. Other features such as front uPVC porches and a uPVC side conservatory are apparent in the street scene.
9. The rear and side dormer development is proportionate in size to the existing dwelling and its cladding and colouring is not out of keeping with other development in the area. Whilst the side dormer has a partial mono-pitch roof, its design and limited scale do not render this inappropriate. The rear dormer is barely visible from public vantage points and the modestly sized side dormer is unobtrusive and merges into its surroundings. Consequently, no harm is caused to the character and appearance of the area.
10. Regardless of the property's position at the top of a slight gradient, there is sufficient distance between the development and other dwellings so as not to adversely impact on neighbours' outlook.
11. The small bathroom window to the side dormer opens, and when standing immediately next to this open window there are oblique views downwards towards a habitable room window in the adjacent dwelling at 23 Countess Crescent. However, the extent to which this outlook impacts on the neighbour's privacy is minimal, particularly as the purpose of the window is simply to ventilate the on-suite bathroom which it serves. I therefore conclude that the side dormer causes no significant harm to the privacy of the occupiers of 23 Countess Crescent.
12. The development may not strictly comply with all elements of the Council's Design Guidance *Extending Your House Supplementary Planning Document*, which indicates that the design features of the extension should reflect the original, and side windows should be non-opening. However, this is only

guidance and in this particular case the development is justified as it does not result in any undue harm.

13. The development complies with Policy CS7 of the Blackpool Local Plan Part 1 Core Strategy 2012-2027, adopted in January 2016, and saved policies LQ1, LQ14 and BH3 of the Blackpool Local Plan 2001-2016, adopted in June 2006, which together seek to ensure high quality design to enhance the character and appearance of the area and to prevent unacceptable effects on outlook and privacy, amongst other things. Nor is there any breach of the design policies within the National Planning Policy Framework.
14. Consequently, the appeal succeeds on ground (a).

Ground (f)

15. It is unnecessary for me to consider whether the appeal on ground (f) should succeed as the enforcement notice will be quashed in consequence of my decision to allow the appeal on ground (a). Therefore, no further consideration of ground (f) is required.

Elizabeth C. Ord

Inspector