

WARD: Windmill Hill CONTACT OFFICER: Nigel Butler
SITE ADDRESS: 3 Haverstock Road Bristol BS4 2DA

APPLICATION NO: 17/02598/H Full Planning (Householders)
DETERMINATION DEADLINE: 5 July 2017
Retrospective application for rear 'dormer' roof extension.

RECOMMENDATION: Grant subject to Condition(s)

APPLICANT: Mr Richard Fear
3 Haverstock Road
Knowle
Bristol
BS4 2DA

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LOCATION PLAN:



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SUMMARY

This application is being presented to committee for decision as the applicant is an employee of the City Council.

The recommendation set out in this report is to grant conditional planning permission to adapt and then retain the works to the roof (insertion of rear dormer).

The matter the subject of this current planning application has resulted from a planning enforcement investigation [16/30460/EXT refers] that commenced in August 2016 when the Council received reports of development to the roof, that case remains open pending the outcome of this current planning application.

Following contact from the planning enforcement team and discussions with the applicant, it was explained by the applicant that they believed the development constituted permitted development for which planning permission was not required.

On the realisation that the development required planning permission a planning application was submitted in September 2016, and this was refused under delegated authority, a subsequent appeal against this refusal was dismissed.

The matter was referred back to the planning enforcement team and following further discussions with the applicant this planning application was submitted for consideration.

SITE

3 Haverstock Road is a two storey terraced property located on the south western side of Haverstock Road. The application site is not located within a conservation area

RELEVANT HISTORY

16/02983/CP - Application for a lawful development certificate for a proposed roof alteration for a new dormer submitted on 26.5.2016 and withdrawn by the applicant prior to determination.

16/30460/EXT - Planning enforcement enquiry opened on 3.8.2016 when reports of works to roof received. This remains open.

16/04816/H - Retrospective planning application for dormer window in rear roof slope refused by delegated decision on 2.11.2016 for the following reason:-

"The constructed rear roof extension by virtue of its scale, siting, overall design and materials would add a discordant feature which is considered to have a detrimental impact on the host building and character and appearance of the surrounding area. This is contrary to Policy BCS21 of the Bristol Development Framework Core Strategy (June 2011); Policies DM26 and DM30 of the Bristol Local Plan - Site Allocations and Development Management Policies (July 2014), as well as guidance contained with Supplementary Planning Guidance Document 2: A Guide for Designing House Alterations and Extensions (October 2005) and the National Planning Policy Framework."

16/20094/REF - Appeal into refusal was dismissed on 30.12.16 with the Planning Inspector concluding at paragraphs 9 and 10 that;

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9. As a result the extension harms both the character and appearance of the host dwelling and that of the surrounding area and is thus in conflict with policy BCS21 of the Bristol Development Framework Core Strategy (June 2011), which amongst other things seeks to deliver high quality design and development that contributes positively to an areas character and identity.

10. For the same reasons it would also be contrary to Policies DM26 and DM30 of the Bristol Local Plan - Site Allocations and Development Management Policies (July 2014), as well as guidance contained with Supplementary Planning Guidance Document 2: A Guide for Designing House Alterations and Extensions (October 2005) which collectively seek similar aims, including detailed expectations on extensions, which anticipate appropriate scale, proportions, materials and siting of such development. The design guidance also includes clear expectations on the form of roof extensions considered appropriate."

17/00091/CE Application for a lawful development certificate for an existing use or operation submitted on 6.1.17 but was not registered it was invalid it was withdrawn on 10.5.2017 and replaced by the planning application the subject of this report.

APPLICATION

This planning application proposes two adaptations to the existing dormer and then seeks permission retrospectively to retain the rear dormer.

The as built rear dormer is finished in horizontally laid timber cladding with a set of three glazed bi fold doors and a Juliet balcony and a further window. The rear dormer was not permitted development given it is not set back from the eaves by 20cm and the materials do not match the existing dwellinghouse.

The two adaptations proposed are to render and then paint the external faces of the dormer to resemble the main elevations of the dwelling and to construct a projecting eaves detail.

RESPONSE TO PUBLICITY AND CONSULTATION

The application was advertised by 42 neighbour notification letters and a site notice was posted near the site, the statutory consultation period ended on 21 June 2017.

2 representations have been received which each object to the application they set out the following points:-

1. We are sorry. We appreciate that all the to-ing and fro-ing over this matter must be making the residents 3 Haverstock Road anxious. Nonetheless as the owners of a Brecknock Road home in direct line of sight of the extension, we feel obliged to object as strongly to the new application as we did to the previous one, and ask again that it is refused. Our main grounds for this are:
 - o The proposed alterations fall a long way short of answering the criticisms made by the Planning Inspector when he dismissed the applicant's appeal against BCC's refusal of an earlier application for retrospective planning permission.
 - o A paint job and the addition of tiles to the eaves will not alter the building overall from being what the Inspector described as a "strident and bulky structure... in awkward and discordant contrast with the rear roof pitches of the adjacent terraced dwellings", nor will either reduce the distance by which the rear elevation already protrudes beyond the minimum required by planning regulations.
 - o From the scant visuals provided, it is impossible for us to judge whether the proposed covering of the cedar cladding with white paint will reduce what the Inspector calls a 'sense of alien

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- otherness". However, our feeling is that replacing one "challenging contrast with the more subtle palette" of the surroundings properties with a different at-odds colour (white) will simply result in an equally out-of-character and eye-catching interruption to the broader roof-scape.
- o The applicant has ignored the Inspector's suggestion that the sense of overlooking created for Brecknock Road properties could be reduced by changing the screening of the triple width glazed doors and glazed Juliette balcony. Even with screening to reduce the glazed areas and white paint on the cedar, the extension will still stand out from its surroundings because of the black frames surrounding the triple doors/window - a colour not found at the same height on any other roof or 'dormer' within the rear field of vision.
 - o Allowing this application will set a risky precedent and potentially lead to similar flouting of the regulations and design guidelines, so causing more "harm to both the character and appearance of the host dwelling and that of the surrounding area".
 - o We'd voice this last worry, regardless of the applicant's employment status. House prices and housing shortages are encouraging more and more local home owners to undertake or consider attic conversions and we feel the regulations need enforcing to avoid the nature of this locality being changed in an unplanned way and without regard to the impact of, say, many extra bathrooms, or increased occupancy, on local services. But our sense of concern is heightened because the applicant works for BCC. If your own employees cannot be persuaded to observe BCC's planning regulations/guidelines, why should anyone?

2. Before I make any comments about the second retrospective application I would like to point out some omissions on the form;

1: Para 6 Pre-application advice was requested and given by Mr Butler However the Reference, Date and Details of the Pre-application advice have been omitted, is it possible for these omissions to be rectified?

2: Para 11 The description of the existing materials and finish of the eaves has been omitted, can this be rectified?

Only two things have been changed from the original retrospective application 16/04816/H viz the descriptor and the change of external materials.

My reasons for objection are:

- o The size, siting and design of the "dormer roof" is out of keeping with the house and the surrounding houses. This creates a negative effect on the character and look of the surrounding area, this is extremely substantial and incongruous.
- o The extension is a full attic storey and the rear roof pitch has been lost The extension does not meet the requirement of Class B of the Town and Country Planning 2015 as it is not set back within the plain roof pitch.
- o There has been no change as regards the rear elevation apart from adaptations to materials used on the exterior, despite modifications the visual amenity of the surrounding properties is still compromised.
- o To those in direct sight of the extension there is a big loss of residential amenity.
- o The Application contravenes the following Planning Regs; BCMS21 JUNE 2011 BDF CORE STRATEGY, POLICIES DM26 AND DM30 JULY 2014 BRISTOL LOCAL PLAN, THE GUIDANCE DOCUMENT OCTOBER 2005 SPD2 WHICH OUTLINES A GUIDE FOR THE DESIGN OF ALTERATIONS AND EXTENSIONS AND THE NATIONAL PLANNING POLICY FRAMEWORK.

One letter supporting the as built scheme has been submitted as follows:- We live nearby on the same street and have a view of the dormer from our back garden. We were shocked to hear that it may have to be removed or changed, having read about it in the newspapers. It is a very attractive finish and the cladding looks good (It is also weathering as time goes by and has more of an

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aesthetically appealing finish - there is a similar wooden-clad extension on the back of a property on Brecknock Road), we don't mind it at all and have no objections at all to it remaining as it is. It is much nicer and preferable to the two huge dormers with massive windows that have just gone up on two neighbouring properties opposite on Brecknock Road). It increases the quality and value of the house and therefore benefits the whole neighbourhood. Furthermore, it is worrying that the work might need to be done on it again with the hassle, noise and expense, let alone the environmental considerations of un-necessary building work.

RELEVANT POLICIES

National Planning Policy Framework – March 2012

Bristol Local Plan comprising Core Strategy (Adopted June 2011), Site Allocation and Development Management Policies (Adopted July 2014) and (as appropriate) the Bristol Central Area Plan (Adopted March 2015) and (as appropriate) the Old Market Quarter Neighbourhood Development Plan 2015 and Lawrence Weston Neighbourhood Development Plan 2017.

In determining this application, the Local Planning Authority has had regard to all relevant policies of the Bristol Local Plan and relevant guidance.

KEY ISSUE

- (A) WOULD THE PROPOSED ALTERATIONS IMPROVE THE APPEARANCE OF THE DORMER SO FOR IT TO BE ACCEPTABLE IN PLANNING TERMS WHEN COMPARED TO WHAT COULD BE INSTALLED UTILISING PERMITTED DEVELOPMENT PROVISIONS?

Government conveys wide ranging rights to property owners to extend and alter their properties without the need to obtain planning permission.

These are called permitted development rights, for works to a roof the relevant provisions are set out in statutory instrument called The Town and Country Planning (General Permitted Development) (England) Order 2015, specifically Class B Part 1, Schedule 2 - additions to the roof of a dwellinghouse.

This sets out that it is permitted development for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof unless;

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;
- (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than;
 - (i) 40 cubic metres in the case of a terrace house, or
 - (ii) 50 cubic metres in any other case;
- (e) it would consist of or include—
 - (i) the construction or provision of a veranda, balcony or raised platform, or
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

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(f) the dwellinghouse is on article 2(3) land.

The following conditions must also be met;

(a) 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;

(b) the enlargement must be constructed so that;

(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension;

(aa) the eaves of the original roof are maintained or reinstated; and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be;

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The dormer as built does not satisfy all of these criteria, there is no set back up the roof plane and the materials do not match the main dwelling. As such planning permission was required and the previous application needed to be tested against policy BCS21 of the Core Strategy (2011) which states that new development should deliver high quality urban design, and policy DM26 which states that development should respond appropriately to the height, scale, massing, shape, form and proportion of existing buildings. This policy also states that development proposals should reflect the predominant materials in the area. The application was also tested against the City Council's Supplementary Planning Document 2 (SPD2) which states that; "There are many examples of inappropriate dormer window extensions that due to being too large in relation to the roof-slope have a poor relationship to the original roof form. Too many dormer windows in a roof slope may also be harmful. Large, box-like dormers are inappropriate for the majority of domestic properties. To achieve a good design it is necessary to pay particular attention to the size and form of the roof, and the arrangement and proportion of existing windows. Traditional dormer windows obey recognised design rules of scale, proportions and window hierarchy. They are also subservient to the main roof by being set comfortably within the slope of the roof."

Following the refusal of the planning application due to conflict having been found with these policies, an appeal was also unsuccessful with a Planning Inspector agreeing with the planning authority that the dormer was harmful.

The judgement that needs to be made in determining this application is whether or not the changes improve the appearance of the dormer so as to make it acceptable when tested against the above policies.

A key consideration here is what could be installed (or how the dormer could be adapted) so as to make it permitted development and thus take it out of planning control.

The rendering and painting of the dormer would meet one of the criteria of permitted development in terms of matching materials. If the front face of the dormer were to be re-positioned 20cm up the roof slope from the eaves then the dormer would be permitted development and planning permission

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would not be required.

The applicant has elected to propose installing a "false eaves detail" which introduces an eaves detail so the dormer appears to sit within the roof slope.

These two changes make marked improvements to the dormer.

The dormer as adapted closely resembles a dormer which could be installed without the need for planning permission which is a recognised fallback position that must be given weight and is material to the assessment of this application.

CONCLUSION

The proposed alterations do mean that the dormer would read as a more subservient addition to the roof than the current form, moreover, due to the proposed installation of the new eaves detail, it very closely resembles in overall form that which could be built without planning permission.

The purpose of permitted development is to take out of planning control extensions and alterations to dwellings which the government considers should not be harmful in planning terms.

The proposal the subject of this application is an improvement on the existing situation and represents a form of development that Government in general terms finds to be acceptable. As such the same conflict with planning policy identified with the refused application cannot be found here and the application is recommended for approval.

COMMUNITY INFRASTRUCTURE LEVY

How much Community Infrastructure Levy (CIL) will this development be required to pay?

Development of less than 100 square metres of new build that does not result in the creation of a new dwelling; development of buildings that people do not normally go into, and conversions of buildings in lawful use, are exempt from CIL. This application falls into one of these categories and therefore no CIL is payable.

RECOMMENDED GRANT subject to condition(s)

1. The adaptations to the dormer as shown on the approved plans shall be completed with 60 days of the date of this permission.

Reason: To make the dormer acceptable in planning terms.

2. List of approved plans and drawings

The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.

001 Location and block plan, received 10 May 2017

002 Rear elevations, received 10 May 2017

003 Section and side elevation to dormer as proposed, received 10 May 2017

Reason: For the avoidance of doubt.

Supporting Documents

5. 3 Haverstock Road

1. Site location plan



Block Plan 1:200

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Location Plan 1:1250

Rev:	Date	Description	Revised

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Project Name:
3 Haverstock Road

Drawing Title:

Location and Block Plan

Project No:	Drawing No:	Revision:		
492P	001	-		
Drawing Status:	Date:	Scale:	Drawn:	Reviewed:
PLANNING	May 17	1:200@A3 1:1250@A3	sd	sd