

MID SUSSEX DISTRICT COUNCIL

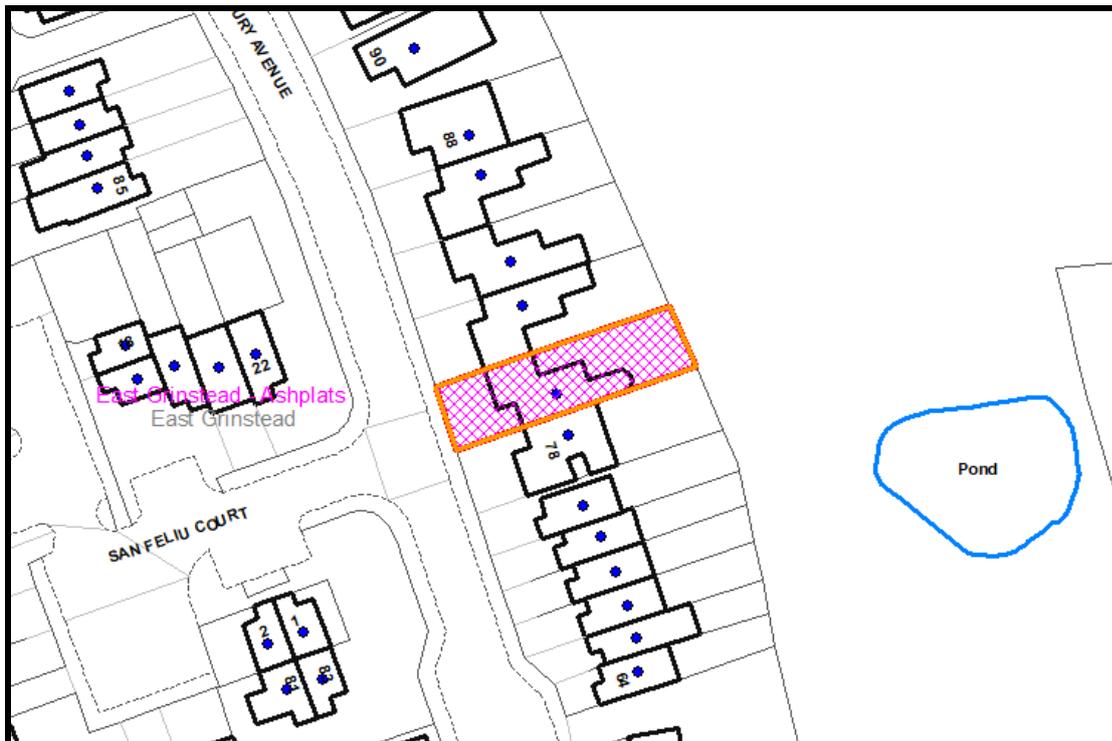
Planning Committee

13 JAN 2022

RECOMMENDED FOR REFUSAL

East Grinstead

DM/20/3014



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**80 WOODBURY AVENUE EAST GRINSTEAD WEST SUSSEX RH19 3UX
INSTALLATION OF SECOND FLOOR FRONT FACING DORMER.
CHANGE IN COLOUR OF THE ROOF TILES TO A DARK GREY FROM
BROWN. AMENDED PLANS RECEIVED SHOWING REVISED LOCATION
OF FRONT DORMER WINDOW. DESCRIPTION AMENDED 28.10.2021 TO
READ AS RETROSPECTIVE APPLICATION FOR 2 NO. FRONT DORMER
WINDOWS. AMENDED PLANS RECEIVED TO SHOW FRONT DORMERS
AS CONSTRUCTED.
LUKE MARDLE**

POLICY: Ancient Woodland / Areas of Outstanding Natural Beauty / Ashdown Forest SPA/SAC / Built Up Areas / Aerodrome Safeguarding (CAA) / Sewer Protection Agreements / Minerals Local Plan Safeguarding (WSCC) /

ODPM CODE: Householder

8 WEEK DATE: 17th January 2022

WARD MEMBERS: Cllr Margaret Belsey / Cllr Liz Bennett /

CASE OFFICER: Deborah Lynn

PURPOSE OF REPORT

To consider the recommendation of the Divisional Leader, Planning and Economy on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

This application seeks planning permission for two dormer windows that have been erected to the front roof slope of no. 80 Woodbury Avenue.

This application has been brought to planning committee to be determined, at the discretion of planning officers, due to the retrospective nature of the application and in view of the recommendation.

Plans as originally submitted proposed a second dormer window to the front roof slope, to match a front dormer window that had previously been approved under planning application DM/20/0337. However, during the course of the planning application, the dormer windows were constructed and were not found to accord with the proposed plans under consideration. Thus, plans have been amended to accord with the dormer windows as constructed, with retrospective permission now sought.

It is considered that the dormer windows as constructed, by virtue of their size and siting, are not visually subservient to the roof slope of the dwellinghouse, appearing unduly prominent and obtrusive within the street scene, to the detriment of the character of the area.

The proposal therefore conflicts with policy DP26 of the Mid Sussex District Plan, policy EG3 of the East Grinstead Neighbourhood Plan and the Mid Sussex Design Guide SPD.

It is therefore recommended that planning permission should be refused.

Due to the retrospective nature of the application, should the application be refused, the local planning authority deems that enforcement action is necessary in order to address the concerns raised above.

RECOMMENDATION

It is recommended that planning permission be refused for the reason set out in Appendix A.

SUMMARY OF REPRESENTATIONS

2 letters have been received in response to original plans submitted:

- No objection - East Grinstead Society
- Concerns expressed against dormer to rear - too large
- Am against a second window - we are a pair of semi-detached houses and I feel that 2 windows would be too much and unbalance the properties
- Proposal is not in keeping with rest of the street
- Colour change of tiles would also draw attention to this.

EAST GRINSTEAD TOWN COUNCIL OBSERVATIONS

Response to original plans

14/09/2020 - would support approval

Response to amended drawings

As per EGTC Planning Committee 15.11.21: While the Committee were happy with the original plan as seen in 2020, the finished work now requiring retrospective permission is not in accordance with EG3/ DP26. The Two large Dormers are intrusive and out of keeping with the street scene. It ultimately represents very poor design and the committee must recommend refusal.

INTRODUCTION

This application seeks retrospective planning permission for two dormer windows that have been erected to the front roof slope of no. 80 Woodbury Avenue.

This application has been brought to planning committee to be determined, at the discretion of planning officers, due to the retrospective nature of the application and in view of the recommendation.

RELEVANT PLANNING HISTORY

DM/20/0340 - An application for a lawful development certificate for a hip to gable loft conversion with new rear dormer. Permission granted 11.03.2020

DM/20/0337 - Demolition of existing conservatory with single storey side and rear extension. Front single storey extension. New front dormer from loft space. Amended plans received 13.03.2020 showing front single storey extension removed. Permission granted 15.04.2020.

SITE AND SURROUNDINGS

No. 80 Woodbury Avenue is a 1990s semi-detached house situated on an estate of similar properties. The property benefits from an integral garage, previously converted to form a bedroom and store, that is attached to the neighbouring property

at no. 82. A large dormer window has been added to the rear roof slope, under permitted development rights. The front driveway has been extended to form 3 parking spaces.

Land levels rise gently to the north. A woodland area lies to the rear of the property.

In terms of planning policy, the application site lies within the built up area of East Grinstead and adjoins the boundary of the High Weald Area of Outstanding Natural Beauty which lies to the rear.

APPLICATION DETAILS

Plans as originally submitted proposed a second dormer window to the front roof slope, to match a front dormer window that had previously been approved under planning application DM/20/0337. The proposed dormer windows were shown to measure approximately 1.5 metres wide by 1.6 metres high by a maximum of 2.3 metres deep with a pitched roof.

During the course of the planning application, the dormer windows to the front roof slope were constructed, however were not found to accord with the proposed plans under consideration. Therefore, plans have subsequently been amended to accord with the dormer windows as constructed. These show the dormer windows to measure 1.8 metres wide by 2.25 metres high and a maximum of 3 metres deep. The dormers are clad with dark grey tiles to match the roof slope, which was previously clad with brown tiles.

The dormer windows will serve an existing bedroom within the roof space.

Planning permission is therefore now sought retrospectively for the development.

LEGAL FRAMEWORK AND LIST OF POLICIES

Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Using this as the starting point the development plan for this part of Mid Sussex consists of the District Plan and the East Grinstead Neighbourhood Plan.

National policy (which is contained in the National Planning Policy Framework and National Planning Policy Guidance) does not form part of the development plan, but is an important material consideration.

Mid Sussex District Plan

The District Plan was adopted at Full Council on 28th March 2018.

Relevant policies:

DP16 High Weald Area of Outstanding Natural Beauty
DP26 Character and design

East Grinstead Neighbourhood Plan

The neighbourhood plan was 'made' on the 2nd November 2016 and forms part of the development plan.

Relevant policies:

EG1 protection of the High Weald AONB
EG3 promoting good design

Mid Sussex Design Guide Supplementary Planning Document (SPD)

The Council has adopted a 'Mid Sussex Design Guide' SPD that aims to help deliver high quality development across the district that responds appropriately to its context and is inclusive and sustainable. The Design Guide was adopted by Council on 4th November 2020 as an SPD for use in the consideration and determination of planning applications. The SPD is a material consideration in the determination of planning applications.

National Planning Policy Framework (NPPF) (July 2021)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives economic, social and environmental. This means ensuring sufficient land of the right types is available in the right places and at the right time to support growth; supporting strong, vibrant and healthy communities by ensuring a sufficient number and range of homes can be provided; fostering a well-designed and safe built environment; and contributing to protecting and enhancing the natural, built and historic environment; and using natural resources prudently.

Paragraph 47 states: *'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.'*

Paragraphs 8, 11, 111, 126, 130 and 176 are considered to be relevant to this application.

National Design Guide - January 2021

ASSESSMENT

The main issues considered relevant to this application are the proposed design and impact on the character of the area and impact on the setting of the AONB, as the proposal is not considered to be harmful to neighbouring amenity.

Design and impact on the character of the area

Policy DP26 of the District Plan relates to character and design and states in part that:

'All development and surrounding spaces, including alterations and extensions to existing buildings and replacement dwellings, will be well designed and reflect the distinctive character of the towns and villages while being sensitive to the countryside. All applicants will be required to demonstrate that development:

- *is of high quality design and layout and includes appropriate landscaping and greenspace;*
- *contributes positively to, and clearly defines, public and private realms and should normally be designed with active building frontages facing streets and public open spaces to animate and provide natural surveillance;*
- *creates a sense of place while addressing the character and scale of the surrounding buildings and landscape;*
- *does not cause significant harm to the amenities of existing nearby residents and future occupants of new dwellings, including taking account of the impact on privacy, outlook, daylight and sunlight, and noise, air and light pollution; (see Policy DP29);*
- *incorporates well integrated parking that does not dominate the street environment, particularly where high density housing is proposed;'*

At neighbourhood plan level, policy EG3 states in part that:

'Planning permission will normally be granted where development proposals meet the following criteria:

- a) *The form of the proposed development is proportionate and in keeping with the scale, height, materials and site coverage of the surrounding area;*
- b) *The layout of the proposed development respects the topography and character of the site, protects important landscape features and does not harm adjoining amenity;*
- c) *The proposal does not result in the loss of buildings or spaces that would have an unacceptable impact on the character of the area;*
- d) *The proposal ensures satisfactory means of access for vehicles and pedestrians and provides adequate parking, cycle storage and refuse facilities on site;'*

In addition to the above, the Council's Design Guide SPD is a material planning consideration with design principles DG49 and DG52 deemed relevant.

Design principle DG49 relates to general principles for extensions and recommends that 'extensions should typically use simple, uncomplicated building forms to

complement and coordinate with the scale, form and massing of the original dwelling. The design approach may benefit from coordinating with the existing pattern of window and door openings as well as employing facing materials to match those of the existing dwelling.'

Design principle DG52 relates to loft conversions and roof extensions and states in part that 'roof accommodation is normally reliant on dormer windows and rooflights to provide light and ventilation. However, if they are out of scale or out of character with the roofscape and proportions of a dwelling they can have an adverse impact on the character of both the dwelling and the streetscape.

The roof pitch and form are intrinsic to a building's character and roof extensions should be sensitive to this. Roof extensions and dormer windows that alter the existing ridge of the roof or significantly alter the roof profile of a building will not normally be acceptable, particularly on the front roof slope, and where there is a strong established roofline.

Where a clear rhythm of fenestration is established, the position and proportion of dormer windows should respond to existing windows and / or doors.'

Section 6.3.6 of the Design Guide states that 'dormer windows should be visually subordinate to the roof slope, enabling a large proportion of the main roof to remain visible. Excessively wide dormers are likely to look unsatisfactory as they will often be out of proportion with the existing roof.'

The scheme as originally proposed showed smaller dormer windows that were sited further apart, reflecting the existing window layout to the property. The dormer windows were also shown to be sited further below the ridge line of the roof.

The dormer windows as constructed are larger than those originally proposed and are sited closer together within the roof slope. The dormer windows are set marginally below the ridge line of the roof and are well set back from the eaves. As such they appear more dominant within the roof slope than the original scheme.

Had the development been carried in accordance with the original plans, the scheme would have been likely to be approved, as the proposed dormers were shown to sit subserviently within the roof slope in accordance with the Council's Design Guide.

Dormer windows are a feature within the locality, with larger dormer windows visible to the front of no.'s 90 and 92 Woodbury Avenue. Similar front dormers are also a feature in Mindelheim Avenue (located approximately 150 metres to the north west of the application site), with two smaller front / rear dormer windows having been added at no. 42 Mindelheim Avenue (on the corner of Woodbury Avenue), following the granting of planning permission DM/18/3517.

Whilst dormer windows are a feature within the locality, these mainly concern one larger dormer window to a large front roof slope which includes a catslide roof. It is considered that the dormer windows as constructed, by virtue of their size and siting, are not visually subservient to the roof slope as encouraged by the Council's Design

Guide, appearing unduly prominent and obtrusive within the street scene, to the detriment of the character of the area.

No objection is raised to the replacement of the brown roof tiles with a dark grey roof tile, as this element of the proposal could be carried out under permitted development rights.

However, for the reasons outlined above, the dormer windows are considered to be harmful to the character of the area, thereby conflicting with policy DP26 of the District Plan, policy EG3 of the Neighbourhood Plan and the Council's Design Guide.

Impact on the setting of the High Weald AONB

The application site adjoins the High Weald Area of Outstanding Natural Beauty which lies to the rear of the property.

Paragraph 176 of the NPPF states that development within the setting of designated areas 'should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

Policy D16 of the District Plan states that 'development on land that contributes to the setting of the AONB will only be permitted where it does not detract from the visual qualities and essential characteristics of the AONB, and in particular should not adversely affect the views into and out of the AONB by virtue of its location or design.'

At neighbourhood plan level, policy EG1 states in part that 'the onus is on the applicant to demonstrate that the scheme would not negatively impact on the existing quality of the protected landscape and its setting taking account of locally important features.'

In this instance, as the dormer windows are located to the front of the dwellinghouse which lies within a residential estate, the proposal is not considered to adversely impact upon the setting of the High Weald AONB or views into and out of the area.

The proposal therefore accords with aforementioned policies.

CONCLUSION

It is considered that the dormer windows as constructed, by virtue of their size and siting, are not visually subservient to the roof slope of the dwellinghouse, appearing unduly prominent and obtrusive within the street scene, to the detriment of the character of the area.

The proposal therefore conflicts with policy DP26 of the Mid Sussex District Plan, policy EG3 of the East Grinstead Neighbourhood Plan and the Mid Sussex Design Guide SPD.

It is therefore recommended that planning permission should be refused.

Due to the retrospective nature of the application, should the application be refused, the local planning authority deems that enforcement action is necessary in order to address the concerns raised above.

APPENDIX A – REASONS FOR REFUSAL

1. The dormer windows, by virtue of their size and siting, are not considered to be visually subservient to the roof slope of the dwellinghouse, appearing unduly prominent and obtrusive within the street scene, to the detriment of the character of the area. The proposal therefore conflicts with policy DP26 of the Mid Sussex District Plan, policy EG3 of the East Grinstead Neighbourhood Plan and the Mid Sussex Design Guide SPD.

INFORMATIVES

1. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Existing Elevations	20804 - 201 - 01		28.10.2021
Existing Elevations	20804 - 202 - 01		28.10.2021
Existing Floor Plans	20804 - 102 -01		28.10.2021
Proposed Floor Plans	20804 - 102 - 01		28.10.2021
Proposed Elevations	20804 - 204 - 02A		28.10.2021
Proposed Elevations	20804 - 201 - 01		28.10.2021
Existing Block Plan	20804 - 401 - 01		28.10.2021
Proposed Block Plan	20804 - 401 - 01		28.10.2021
Location Plan			25.08.2020

APPENDIX B – CONSULTATIONS

Parish Consultation

As per EGTC Planning Committee 15.11.21: While the Committee were happy with the original plan as seen in 2020, the finished work now requiring retrospective permission is not in accordance with EG3/ DP26. The Two large Dormers are intrusive and out of keeping with the street scene. It ultimately represents very poor design and the committee must recommend refusal.

Parish Consultation

14/09/2020 - would support approval