



Appeal Decision

Site visit made on 10 February 2025

by **D R Kay BA Dip.Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 21 February 2025

Appeal Ref: APP/G4620/D/24/3357885
42 Jonah Drive, Tipton, Sandwell, DY4 7AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Baljit Chumber against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref: DC/24/69701, dated 8 August 2024, was refused by notice dated 11 October 2024.
 - The development proposed is 'Rear dormer loft conversion'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is no dispute between the main parties that planning permission is required for the proposal and therefore, I have determined the appeal on the basis that development should be carried out in accordance with the development plan, unless material considerations indicate otherwise. Notwithstanding the appellant's views on the merits of condition 20 on approval DC/05/44165, which restricted permitted development rights normally afforded to householders under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the proposal before me does not concern an appeal against that condition.

Main Issue

3. The main issue is the effect of the proposed rear dormer on the character and appearance of the area.

Reasons

4. The appeal property sits within a small, modern estate constructed in the last 20 years, which consists generally of a mix of two and three-storey town houses, in detached, semi-detached and terraced formats. The properties are constructed from either red or red-brindled brickwork to the walls, and with a mix of plain or profiled concrete tiles to their pitched roofs. The individual dwellings are either two or three full storeys in height under their pitched roofs, with several of the two-storey properties with traditional pitched-roof dormers on their roof slopes, signifying that their roof spaces provide further living accommodation. There are also isolated examples of 'flats over garages' within the development, with traditional pitched-roof dormers which break the eaves line of the roof. The dormer design present is both traditional in nature, and consistent throughout the estate. I

- saw no 'flat-roofed' or 'box' type dormers or loft conversions at the time of my site visit.
5. The appeal site is a two-storey end-terrace property with a pitched roof, which follows the two-storey pattern and style of development present in this area of the estate, and which presents its gable almost directly onto the rear of the footpath on Jonah Drive. There is a turning head to the rear of the appeal site, and Jonah Drive continues past the turning head, to provide vehicular access to several properties in a cul-de-sac at its end. As a result, the front, rear and gable elevations of the appeal property are clearly visible to vehicular or pedestrian users of Jonah Drive at this location.
 6. The appeal proposals consist of a flat-roofed dormer to most of the rear roof slope of the property. The vertical walls of the dormer are proposed to be clad in tiles to match the existing roof. However, the effect of the large flat roof and the dark tile hanging of the vertical walls, close to the planes of the existing rear and gable elevations of the property, will create a large mass to one end of the roof of the existing terrace of properties, significantly changing its visual appearance and the character of the immediate area.
 7. The dormer would be visually prominent to users of Jonah Drive, either whilst using the turning head or travelling to and from the properties which take their access from the end of the road, appearing overly dominant. The scale and design of the proposed dormer does not follow that of the other dormers present in the area and would contrast harmfully with them.
 8. The appellant has stated that the proposed dormer would be in matching materials, of a conventional design in common use, and that in other circumstances could be done without planning permission. It is also asserted, that the design reflects the requirements of building regulations, and that the Council had not identified why the proposed dormer would be visually at odds with the surrounding area. Whilst the materials employed may match the existing, the way they are proposed to be used does not. The design of the dormer may well be common elsewhere, but not within the estate the appeal property is situated. The requirement for the proposals to be subject to the need to seek planning permission, has already been established and accepted by all parties. No evidence has been put before me which leads me to believe that this proposal would be the only means by which building regulations approval would be obtained for a dormer design.
 9. Furthermore, the Council have produced a 'Revised Residential Design Guide 2014' Supplementary Planning Document (SMBC-RRDG 2014). It is clear that the appeal dormer proposals accord almost directly with the example of unacceptable dormer design identified on page 26. This reinforces my findings.
 10. Consequently, the design and scale of the proposed dormer renders it prominent within the street scene and at odds to the pattern of dormer development within the surrounding area resulting in harm to its' character and appearance. I therefore find it to be contrary to policy EOS9 of the Site Allocations and Delivery Plan Document 2012, which seeks, amongst other things, to resist designs that are inappropriate in their locality.

Other Matters

11. I note that the appeal proposals were amended during the application process, as identified by the drawings denoted with an A suffix. The amended design made only minor changes to the previous proposal, the Jonah Drive facing end gable of the dormer being moved inboard from the gable by a small amount, and the flat roof of the dormer being lowered also by a small amount. Those changes did not bring the dormer design in line either with the pattern of existing dormer development within the estate, or with the recommendations of the SMBC-RRDG 2014.
12. I further note the appellants' reason for pursuing the application being to provide independent sleeping accommodation for a disabled child. Whilst I have given due regard to the public sector equality duty for a person with protected characteristics under the Equality Act 2010, it has not been demonstrated that the appeal proposal is the only available option that might deliver the benefit to the appellant's family. It is likely that other means to do so exist, which may not result in the harm that I have found. On that basis, I attribute limited weight to this matter and am satisfied that dismissing the appeal would be a proportionate response.
13. The appellant asserts that a similar 'blanket' condition restricting permitted development rights evident on permission reference DC/05/44165 would be unlikely to be imposed now given current national policy and guidance. A recent appeal decision is highlighted in this respect. However, unlike the proposal before me, that concerned an appeal against a condition. The generic point made does little to address the specific harm identified in relation to the main issue.

Conclusion

14. For the reasons given above, I conclude that the appeal proposals would conflict with the development plan as a whole and that there are no material considerations that indicate that the development should be determined other than in accordance with it. Therefore, the appeal is dismissed.

D R Kay

INSPECTOR