



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 25/08/21

gan **Melissa Hall BA(Hons), BTP, MSc, MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 22.09.2021

Appeal Decision

Site visit made on 25/08/21

by **Melissa Hall BA(Hons), BTP, MSc, MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 22.09.2021

Appeal Ref: APP/Z6950/D/21/3279504

Site address: 38 Wordsworth Avenue, Penarth CF64 2RL

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 Andrew & Elin Lillford & Osmond against the decision of The Vale of Glamorgan Council.
 - The application Ref 2020/01533/FUL, dated 16 December 2020, was refused by notice dated 30 April 2021.
 - The development proposed is described as '*Loft conversion comprising hip to gable and dormer to rear. Doors to current first floor rear elevation to be widened*'.
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion comprising hip to gable and dormer to rear. Doors to current first floor rear elevation to be widened at 38 Wordsworth Avenue, Penarth CF64 2RL in accordance with the terms of the application, Ref 2020/01533/FUL, dated 16 December 2020, and the plans submitted with it, subject to the following conditions:

1. The development shall begin no later than five years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents: Drawing Ref 2026/PL01 Site Location Plan, Drawing Ref 2026/PL05 Rev A Proposed Second Floor Plan and Drawing Ref 2026/PL06 Rev A Proposed Elevations.

Reason: To ensure compliance with the approved plans and clearly define the scope of the permission.

Procedural Matters

2. The planning application form describes the development as '*Loft conversion comprising hip to gable and dormer to rear. Doors to current first floor to be widened*'. The description of development was amended prior to the Council's determination of the application to read '*...Doors to current first floor rear elevation to be widened*'. I
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am satisfied that the amended description more accurately describes the proposal and no party would be prejudiced by its use.

Background

3. The appellants have drawn my attention to the planning permission granted at the appeal property in July 2021 (subsequent to the refusal of the application the subject of this appeal) for what is described as a '*Loft conversion to comprise hip to gable and dormer to rear (within existing house footprint), pitched roof over two storey rear extension adjusted, with new doors at rear to first floor bedroom complete with Juliet balcony*'¹. The main difference between the approved scheme and that the subject of the appeal is the rear dormer. It is only this element of the proposal with which the Council takes issue.

Main Issue

4. In light of the background that I have described, the main issue is the effect of the proposed rear dormer on the character and appearance of the area.

Reasons

5. The appeal site lies within a predominantly residential area and backs onto an area of open space known as Golden Gates Park. The street scene along Wordsworth Avenue is mixed with numerous and varied alterations and additions having been carried out over time. The rear elevations of the dwellings when viewed from Golden Gates Park include dormer additions and rear extensions of varying design, scale and form. Furthermore, I note those cited by the appellants as being similar to the proposal before me and/or forming part of the character and appearance of the area, and for which the Council has granted planning permission².
6. Turning to the appeal property, I understand that it is not in its original form; it has already been extended considerably, not least with the addition of a two storey hipped roof side extension and a large two storey rear extension incorporating a more complicated roof form than the simple hipped roof of the original dwelling. The Council acknowledges that a valley has been created between the roof of the main house and that of the rear extension, and that the two roofs are somewhat disconnected.
7. I accept that part of the dormer would be visible from Wordsworth Avenue. Nevertheless, its visual impact would be minimal from this vantage point given that it would consist mainly of glimpses of the dormer extension in the gap between the neighbouring property at No 36 and the appeal property. However, the Council also takes issue with what it refers to as the dormer's 'prominent visibility' from Golden Gates Park.
8. Although visible from the park, I do not consider that the rear elevation of the appeal property can be accurately described as prominent, not least due to its position in the far corner of the park and that it is read as one of a row of semi-detached properties fronting Wordsworth Avenue. Be that as it may, I must have regard to the proposal's relationship to the host property, regardless of whether it is visually prominent or has the greatest impact on the Wordsworth Avenue street scene.
9. The ridge of the dormer would be set below that of the main roof. Its face and west facing cheek which cuts into to the main roof would be covered in composite slate,

¹ Planning permission 2021/00717/FUL

² Planning permission refs 2021/00274/FUL at Coleridge Avenue and 2014/00889/FUL, 2017/00049/FUL and 2017/01007/FUL at Wordsworth Avenue refer

whilst its west facing side (which would be built off the wall plate of the side elevation of the property) would be finished in a cream painted render, to match the existing dwelling. However, it would extend beyond the rear elevation of the main dwelling, aligning with the side and rear wall plates of the two storey rear extension. The effect of this design is that from the side elevation towards the rear of the property, the dormer would appear to be a third storey addition of considerable size to a traditional two storey dwelling. When read with the rear two storey extension that already exists, it would dominate the form of the original roof and would overwhelm the proportions of the original dwelling. Consequently, I am not convinced that it would read as a subordinate and sympathetic addition to the dwelling when seen from the limited public vantage points, mainly from within the park. That being said, it seems to me that there are elements of its design which would align more closely to the advice in the Council's '*Residential and Householder Development*' Supplementary Planning Guidance (SPG), such as its simplicity, the relationship of its pitched roof form to that of the host dwelling and the size and position of the fenestration.

10. I have already noted the presence of dormers on the rear elevations of the nearby dwellings and one, in particular, that appears as a third storey addition. Furthermore, the examples cited by the appellants all result in hip to gable roof extensions and some incorporate rear dormers. Nevertheless, from my reading of the plans and my observations on site, they each have a design and visual impact that differs from that before me.
11. In this context, and on balance, I am of the opinion that the design, scale and form of the proposed dormer would have a harmful effect on the character and appearance of the existing dwelling and the surrounding area. It would therefore conflict with Policies MD2 and MD5 of the adopted Vale of Glamorgan Local Development Plan 2017 (LDP), which *inter alia* require new development to be of a high standard of design that positively contributes to the context and character of the surrounding area. It would also be at odds, in part, with the SPG which sets out advice relating specifically to proposals involving changes to roof forms and with national planning policy contained in Planning Policy Wales Edition 11 and Technical Advice Note 12 '*Design*' requiring regard to be had to the effect of development on an area's character and appearance.
12. Nevertheless, my attention has been drawn to the position established by the 2021 planning permission for a '*Loft conversion to comprise hip to gable and dormer to rear....*' (Planning permission Ref. 2021/00717/FUL). I have been provided with an extract of the approved Proposed Elevations, which show a large flat roof dormer which spans almost the entire width of the main roof of the dwelling but projects only to the main rear elevation (rather than the rear elevation of the two storey extension beyond). The approved scheme also includes the replacement of the roof over the rear extension with one of a much shallower design in order to facilitate the construction of the dormer. In my opinion, the cumulative effect of these changes is to completely overwhelm the proportions of the original roof, introducing elements which are alien to the host dwelling and complicating the roof form overall. These element will be visible from the same vantage point, i.e. from within the park, with which the Council takes issue in relation to the scheme the subject of this appeal.
13. Although I do not have a copy of the Council's delegated report in relation to the approved scheme, I am uncertain how it aligns with the key principles of the SPG in relation to roof extensions insofar as it states that '*Flat roof extensions are generally not supported.... Much will depend on the architectural style of the original building*'

and that *'The roof of any development should reflect and be complementary to the roof of the existing property in terms of style, form, pitch and materials'*³.

14. The Council has not stated that there is any known impediment to implementing the approved scheme. I have no reason to doubt that the development could and would be constructed to comply with the planning permission subsequently granted. Thus, it seems to me that this is a fallback position which the appellants are highly likely to pursue even if I do not find the proposal before me to be acceptable.
15. In my opinion, the alternative pitched roof design of the proposed dormer would ameliorate some of the harm associated with the introduction of a large flat roof dormer and a shallow hipped roof over the existing two storey extension, which are uncharacteristic of the host dwelling. Taken in the round, and in this particular case, I cannot find that a dormer of a larger size and which gives the impression of the creation of a third storey in part and from limited vantage points only, would be any more harmful than the permitted scheme. In coming to this finding, I have also had regard to the existing and consented development in the vicinity. It therefore follows that the refusal of planning permission on this basis is unjustified. These considerations lead me to determine the appeal other than in strict accordance with the LDP.

Conclusions

16. For the reasons I have given, and having regard to all matters raised, the appeal is allowed.
17. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of making our cities, towns and villages even better places in which to live and work.

Melissa Hall

INSPECTOR

³ Paragraph 8.10.2 of the SPG