



## Appeal Decision

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by I Stevens BA (Hons) MCD MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 17/10/2022

Appeal reference: CAS-01841-D3G4Q4

Site address: 102A Victoria Avenue, Newport, NP19 8GG

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- 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 Mr Richard Simpson against the decision of Newport City Council
  - The development proposed is retention of rear dormer and attic conversion.
  - A site visit was made by the Inspector on 20 September 2022.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I note that the development has commenced and, as such, I have considered the appeal on the basis that it seeks retrospective planning permission.

### Main Issue

3. The main issue is the effect of the development on the character and appearance of the appeal dwelling and surrounding area.

### Reasons

4. The appeal site comprises a detached, 2-storey dwelling located in a predominantly residential area of Newport. There is an orderly arrangement to dwellings along Victoria Avenue, being set back slightly from the street and with long, spacious rear gardens as a feature that contributes positively to the character of the area. The appeal dwelling has been altered with a single-storey flat-roof rear addition. Overall, the simple red-brick form and appearance of the dwelling fits comfortably in its long plot.
5. The development has added a dormer to the rear of the appeal dwelling. The Council's Supplementary Planning Guidance (SPG) House Extensions and Domestic Outbuildings (January 2020), states that a proposal that changes the form of a roof should not detract from the character and appearance of the streetscape. It adds that dormers should respect the character of the existing building.

6. The dormer covers most of the rear facing roof plane, being set down marginally from its ridge with little of the original roof visible above it. The dormer extends the entire width of the roof and down to the former position of the eaves. The wide flat roof overhangs the rear elevation by approximately 0.8m. These design features give the dormer a dominant appearance, which interrupts the rear roof plane with a large, box-like structure that does not appear sympathetic to the simple appearance of the appeal dwelling and neighbouring properties. The substantial bulk and increased massing are evident by the significant loss of roof plane and depth of the overhanging flat roof. Although the dormer is less visible from the Victoria Avenue frontage, this does not justify the harm that is caused to the dwelling. The result is a prominent and disproportionate form of development that harms the appearance of the dwelling with consequential adverse effects on the character of the area.
7. While the windows and Juliette balcony are evenly spaced along the dormer, their form and position contrast with the size, shape and proportion of existing openings on the rear elevation. The irregular appearance of openings emphasises the incongruous form of development, which does not complement the dwelling. The grey cladding finish to the dormer, which appears to replicate the darker colours of adjacent roof tiles, does little to soften the impact of the proposal, given that its bulk and new white-framed openings are evident. The design and material palette only draws attention to the excessive size and incompatible nature of the dormer.
8. My attention has been drawn to a flat-roof rear dormer at no 104 Victoria Avenue, which was visible from the rear garden of the appeal dwelling. The Council has no record of permitting this addition. Nevertheless, I was able to observe that dormers and roof extensions were not a common feature of the area, and it does not therefore justify the development and the identified harm, which alters the appearance of the property and conflicts with the prevailing form of other dwellings in the area.
9. The appellant considers that the Council has failed to consider what could be built under permitted development rights. I have not been provided with any evidence that the appellant would bring such a scheme forward. Whether or not the development could be constructed under permitted development rights is not a matter for me to determine in the context of this appeal. While the appellant suggests that certain alterations could be made to the development and secured through planning conditions, given the dimensions of the dormer I do not consider that it would be appropriate to condition a design solution without the benefit of fully worked out drawings.
10. I conclude that the dormer is harmful to the character and appearance of the appeal dwelling and the surrounding area. It is therefore contrary to Policy GP6 of the Newport Local Development Plan, adopted in January 2015, which states that good quality design will be sought in all forms of development. It is also contrary to guidance in the Council's House Extensions and Domestic Outbuildings SPG.

### **Other Matters**

11. I note that the Council's highways officer raises no objection to the development. While the appeal site is adjacent to the Kensington Place Conservation Area, the Council does not consider that the scale of works and limited views from the conservation area, beyond the rear garden, has a detrimental impact on the character or appearance of the conservation area. I see no reason to disagree with the Council on these matters.
12. The nearest dwelling facing the rear dormer windows is approximately 60m away. While I recognise the development is large in relation to the dwelling, only the flat roof extends beyond the existing rear elevation. Given the significant separation distances between facing properties with intervening garden space including hedgerows and trees, I do not

consider that the development has a harmful impact on the living conditions of neighbouring occupiers in terms of loss of daylight, loss of privacy or overbearing effects.

**Conclusion**

13. For the reasons I have given, and having regard to all matters raised, I conclude that the appeal should be dismissed.
14. 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 to make our cities, towns and villages even better places in which to live and work.

*I Stevens*

INSPECTOR