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# Appeal Decision

Site visit made on 5 July 2017

**by Mr Kim Bennett BSc DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 11 July 2017**

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**Appeal Ref: APP/T1410/D/16/3167433**

**31 Baldwin Avenue, Eastbourne, East Sussex BN21 1UL**

- 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 Kevin Feeney against the decision of Eastbourne Borough Council.
  - The application Ref PC/161110, dated 23 September 2016, was refused by notice dated 17 November 2016.
  - The development is the retention of dormer at rear.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the wider area.

## Reasons

3. Number 31 Baldwin Avenue comprises a detached two storey dwelling located on the western side of the road and close to the junction with Eldon Road. The development which is the subject of this appeal, has already been built and comprises a large rear dormer which also projects beyond the existing roof plane on both side elevations, although more so on the northern side. There is also a single storey extension at the rear. The character of the area is wholly residential with detached two storey dwellings of varying designs.
4. A Certificate of Lawful Use or Development (Proposed) was granted in 2015<sup>1</sup> for the works as constructed, but subject to an informative that the materials should match that of the existing building in terms of type, texture and colour. The informative reflects the general condition requirement set out in Class B.2 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015, that materials should be similar to those used in the construction of the existing dwellinghouse. However, the dormer has been clad in a grey coloured weather boarding which is not found elsewhere on the building, and consequently the Council considers that planning permission was required for the works as constructed. The appeal therefore seeks to retain the dormer as built.

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<sup>1</sup> Application ref no PC/151003

5. Although the combined roof extension is large, the Council does not take issue with that owing to the fact that it apparently could be constructed under permitted development in terms of its size and dimensions. The issue therefore is the choice of cladding used.
6. In that respect, the appellant advises that the cladding was chosen primarily because it was considered that it would better match the roof of the rear extension which is also grey in colour. The dormer is not considered to be particularly noticeable in the street scene and it is felt that there are other dormers which are more prominent.
7. However, I observed that whilst the properties along Baldwin Road are of different designs, there is a strong consistency of materials comprising brown plain tiled roofs and elevations of render, brick and tile hanging. Where dormers or roof extensions have been constructed, they have largely been clad with tile hanging which has helped to integrate them with the host dwellings. That is also the case with dormer extensions in the adjoining Eldon Road.
8. In contrast, I agree with the Council that the grey cladding that has been used in the appeal situation, accentuates the size and massing of the dormer with the result that it appears somewhat incongruous and fails to satisfactorily relate to the character of the existing building in terms of materials. This is important since the size of the dormer means it is apparent in the street scene from Baldwin Road itself, and also in glimpsed views from Eldon Road. It would also be particularly apparent from rear gardens of near neighbours in both roads. In these respects, I consider that the use of a material which would be more complimentary to the character of the main dwelling, is more important than matching the roof of the rear extension which is enclosed within the rear garden and not publically visible.
9. The Council raises no amenity objections in terms of any overlooking, given that it already exists and having regard to permitted development options, and I see no reason to take a different view.
10. Having regard to the above issues, my finding is that the use of the grey cladding is inappropriate and has resulted in visual harm to the host dwelling as well as the street scene. It is therefore contrary to Policy UHT1 of the Council's Borough Plan (2001-2011) and Policy D10A of the Core Strategy 2013, in that it does not harmonise with the local area, the design has not taken account of local context and the materials are not appropriate.
11. Accordingly, the appeal is dismissed.

*Kim Bennett*

INSPECTOR