

WARWICK DISTRICT COUNCIL

TO: DEVELOPMENT COMMITTEE - 19TH JULY, 1999

SUBJECT: DORMER WINDOWS IN CONSERVATION AREAS

FROM: PLANNING BUSINESS UNIT

1. PURPOSE OF REPORT

To outline the approach by this Council to proposals for dormer window extensions in Conservation Areas.

2. BACKGROUND

- 2.1 Members will be aware that the issue of dormer windows in conservation areas has been causing concern in recent months. In December 1998, a planning application for the erection of a rear dormer window extension at 29 Wathen Road, Leamington Spa was refused by the Plans Sub-committee on the grounds that it would be harmful to the appearance of the property, the terrace of which it forms a part, and the Conservation Area in which it is located. In support of this application, the agent referred to other dormer windows in the area, namely at 11 and 13 Wathen Road. This subsequently led to enquiries which revealed that these dormer extensions did not have planning permission.
- 2.2 Subsequently, the Plans Sub-Committee considered two retrospective applications for these other dormer extensions. The Committee, having taken legal advice, and with the benefit of a site visit, resolved that planning permission in this case should be granted as there were special circumstances which meant that a precedent for this type of development in a conservation area would not be set.
- 2.3 In the light of this experience, it is considered both timely and appropriate to set out the position of the Council on dormer extensions in Conservation Areas, and give guidance to how any future planning applications should be considered.

3. POLICY ISSUES

- 3.1 Planning policy, as expressed through policies of the adopted Warwick District Local Plan, gives no specific advice on dormer windows in conservation areas. However, policy (DW) ENV3 states:-

“All development proposals will be required to:-

- “1. Achieve a high standard of design, having regard to local styles, materials, the character of the surrounding area and of adjacent buildings,
- “3. Harmonise with their surroundings, both in terms of design and in terms

of land use.”

Policy (DW) ENV8 states that:-

“Within Conservation Areas, development proposals will be required to achieve a high quality of design appropriate to the special historic or architectural character of the area. Proposals must harmonise in scale and form with their surroundings and natural and traditional materials should normally be used.”

- 3.2 Policy (DW) ENV6 also reaffirms the Council’s commitment to preserving and enhancing the character of Conservation Areas by providing “design guidance to secure development of a standard which will result in the improvement of the character or appearance of the Conservation Area.” The Council has prepared a series of detailed advice leaflet on conservation matters, including one specifically considering windows in listed buildings and in Conservation Areas. This leaflet (which is currently being updated) provides guidance on what forms of replacement windows are acceptable in situations such as these.

4. **CONSERVATION ISSUES**

- 4.1 The policies set out in Section 3, above, seek to conserve and enhance the appearance of the Conservation Areas and also to offer design guidance to both owners of Listed Buildings and buildings within a Conservation Area. In this context, advice has always been given where new dormer windows have been proposed for either Listed Buildings or buildings within a Conservation Area, to achieve traditional style dormer windows where these are appropriate, or to provide the property-owner to seek other means of increasing their floorspace where it is considered inappropriate to add dormer windows to a property. In this respect it is intended to include a new section within our windows guidance leaflet for owners of Listed Buildings and buildings within the Conservation Area to give clear advice in respect of the appropriateness of dormer windows in particular locations.
- 4.2 Where properties have existing dormer windows, it should not be assumed that additional dormer windows would always be appropriate, although where these can be accommodated they should be of a traditional design, most suitably to match the existing. For properties which do not have dormer windows, the approach should be to consider the effect of the dormer window on the existing building rather than the creation of an area of floorspace which is then projected into a dormer as a secondary consideration. This latter approach has, in the past, produced the large box dormers which are out of character with almost all properties. If it can be clearly understood that the external appearance must first be designed in character with the existing building, then the level of additional accommodation achievable is determined at the outset. In certain instances it may be necessary for an owner to appreciate that dormer windows of any sort are not acceptable on their property and that the roof-lights may be the only feasible source of light possible for attic floors in these buildings, in order to protect their architectural character.
- 4.3 Although there are a number of large box dormer windows, with some dating from the

period when permission was not required for such extensions, it is important to maintain the roof-lines of our buildings - *i.e.* the roof sky-scape of a Conservation Area is just as important as the more highly visible street-scape.

5. DEVELOPMENT CONTROL ISSUES

- 5.1 Confusion on this matter has arisen since planning controls on development to dwellinghouses in Conservation Areas are different to those relating to dwellings outside Conservation Areas. In relation to Conservation Areas generally, there are additional controls relating to trees and to demolition of buildings. Furthermore, when making development control decisions, there is a statutory duty requiring planning authorities to pay special attention to the desirability of “preserving or enhancing the character and appearance” of Conservation Areas. Specifically in relation to dwellings, the provisions of the General Permitted Development Order 1995 include a reduced permitted volume of extensions (50m³ instead of 70m³), additional restrictions of the volume of freestanding buildings that can be erected within the curtilage, whilst the normal permitted development right for “the enlargement of a dwellinghouse consisting of an addition or alteration to its roof”, (subject to volume and ridge height criteria) does not apply.
- 5.2 The fundamental principle in relation to development control is that the onus is on the person undertaking the development to ascertain any legal permissions that may be required, whether it be planning permission, building regulations approval or other legal controls.
- 5.3 In relation to ‘do I need planning permission?’ enquiries, many hundreds of these are received each year and enquirers are always advised to write in and obtain written confirmation about the need for permission before proceeding with work on their property. In this way, all relevant planning constraints can be checked and correct advice given.
- 5.4 In terms of availability of information to householders, the land charge search completed when properties are purchased contains a question asking whether the property is in a ‘Conservation Area’, although there is no mechanism for informing the purchaser of the legal or other effect of this designation. This of course, is the case with the answers to all search queries. The search **alerts** the purchaser to various planning (or other) constraints and further enquiries can then be made if required.
- 5.4 In relation to liaison and documentation within the Planning Business Unit, there is extensive liaison between staff and cross-referencing of letters sent out by building control and development control on the need for checking for any additional permissions where required. This comprises:-
- Highlighting the possible separate need for planning permission on all acknowledgements to incoming building regulation applications or building notice submissions.
 - Referring to the possible need for separate planning permission on Building Regulations Approval notices.

- Referring to the need for separate building regulations approval on the planning notes for applicants and on reply letters about the need for planning permission.

- Scanning of the weekly list of incoming Building Regulations applications by the Appeals and Enforcement Section (approximately 40 cases per week). It is envisaged that further enquiries about applications for loft conversions in Conservation Areas, in particular, can then be made in order to determine whether separate planning permission is required.
 - Frequent informal liaison between Building Control officers and development control staff.
- 5.6 The above liaison/checking can be carried out within the scope of current staff resources. Systematic checking of all Building Regulations submissions on the possible need for planning permission would in my view be likely to require additional staff resource, if a fully comprehensive service is to be delivered, given the volume of incoming submissions which need to be processed speedily through the Building Regulations checking process.

6. CONCLUSIONS

- 6.1 Decisions on planning applications are required to be made in accordance with the Development Plan and in relation to decisions on applications in Conservation Areas, Planning Authorities have to meet the statutory test of paying special attention to the desirability of preserving or enhancing the character or appearance of such areas. The context within which decisions need to be made is therefore clear.
- 6.2 The two cases in Wathen Road and the retrospective application at 46 Gordon Street, within the Leamington Conservation Area represent exceptions to normal policy, on which decisions were made following an assessment by members of the particular circumstances of each case and a record being placed in the Council minutes that such retrospective cases should not be regarded as precedents.
- 6.3 Further guidance is being prepared on windows in Conservation Areas to assist householders or architects in ascertaining the Council's policy on dormer windows.
- 6.4 Notification to all householders within the district's Conservation Areas of the fact of their property's inclusion in the Conservation Area would be very onerous, by reason of the sheer number of properties involved and the turnover of owner/occupiers as properties change hands. Even if such an exercise were to be feasible it is not considered to be justified given the small number of "problem" cases of unauthorised development that have come to light.

7. RECOMMENDATIONS

- 7.1 That the Council reaffirms its stance that in making decisions on planning applications in Conservation Areas, the statutory test of paying special attention to the desirability of preserving or enhancing the character or appearance of such areas will be applied.

- 7.2 That the three recent decisions made on retrospective applications for roof extensions in the Leamington Spa Conservation Area represent exceptions to policy based on the special circumstances of each case and should not be regarded as precedents.
- 7.3 That the current liaison arrangements between Development Control and Building Control be continued and that future applications for loft conversions on properties in Conservation Areas be assessed for the need for planning permission by the Appeals and Enforcement section within Development Control.
- 7.4 That the revised guidance leaflet on windows in Conservation Areas be publicised as widely as possible when it is published.
- 7.5 That in respect of Building Regulations applications within Conservation Areas, applicants will be supplied with written information summarising Conservation Area constraints in respect of planning and related contact names.

J. ARCHER
HEAD OF PLANNING

BACKGROUND PAPERS

AGENDA PAPER AND MINUTES OF PLANS SUB-COMMITTEE, 27TH APRIL, 1999 ITEMS 3 & 4

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**Areas in District
Affected:** Whole District