

Appeal Decision

Site visit made on 15 May 2017

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 22nd June 2017

Appeal Ref: APP/Q1445/W/17/3166663

First Floor Flat, 82 Stanmer Park Road, Brighton BN1 7JH

- 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 Lee Catt against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/05726, dated 15 October 2016, was refused by notice dated 12 December 2016.
 - The development proposed is a loft conversion.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site is located in a primarily residential area which consists of a mixture of semi-detached and terraced properties. The design and appearance of properties exhibit a traditional feel but with a variety of different styles. Within the area there are significant land level differences and the appeal property itself appears as a two storey property from the frontage, but is three storey's at the rear owing to the sloping ground.
4. My attention has also been drawn to a recent appeal decision¹ for a similar development at the appeal property. Whilst I acknowledge that the current proposal is for a smaller dormer window, I give this decision significant weight.
5. The proposed development is for a loft conversion which includes a flat roofed box dormer window on the rear elevation of the host property. The dormer would be set in from both sides of the property with a greater distance to the Stanmer Street side.
6. The Council's Supplementary Planning Document 12 'Design Guide for Extensions and Alterations' 2013 (SPD) sets out that dormer windows should be kept as small as possible and be clearly be a subordinate addition to the roof. The SPD is also clear that full width box dormers will not be permitted as they give the appearance of an extra storey on top of the building.

¹ APP/Q1445/W/16/3152806

7. Despite the reduction in size from the previous proposal, the box dormer would substantially obscure the existing rear roof slope and would be an overly dominant feature on the host property and in the streetscene, particularly given the views available from Stanmer Street. In addition to the above, the size of the windows in the dormer are significantly larger than the windows in the existing property. Given the above, the dormer would result in significant harm to the character and appearance of the area.
8. I have also had regard to the presence of other similar dormer windows in the vicinity of the property, including two other dormers in the same terrace of properties as No 82, and ones on the terraces on Stanmer Villas. With the exception of the dormer at 75 Stanmer Villas, none of these are as exposed as the current appeal proposal.
9. The SPD does allow for new dormers to be built where a terrace or group was originally designed without dormers, but over the years a majority of the buildings now have them. The new dormers may be acceptable provided their scale, design and positioning is sympathetic to the continuity of the terrace/group.
10. In considering the overall character of the area, I find that the vast majority of properties do not have box dormer windows and as such the overriding character is of properties which retain their original roof profile. Consequently, there is not a majority of properties which have such dormer windows in the area and therefore I consider that this exemption to the normal design standard does not apply.
11. The proposed development also includes two rooflights in the front roof slope. However, I consider that these do not represent an unacceptable element to the proposed development. However, that does not outweigh the harm I have found.
12. For the above reasons, the development would result in significant harm to the character and appearance of the area in conflict with Policy QD14 of the Brighton and Hove Local Plan 2005 and the Supplementary Planning Document 12 'Design Guide for Extensions and Alterations' which amongst other matters seek to ensure that roof alterations are well designed, sited and detailed in relation to its host property, adjoining properties and the surrounding area.

Other matters

13. I acknowledge that the Appellant wishes to develop his property in a similar manner to other properties in the area and that it feels unfair that other properties could utilise Permitted Development rights to undertake a similar development if their respective properties are a single dwellinghouse.
14. However, each planning application must be considered on its individual merits and the possible use of Permitted Development rights on other properties (or by converting the host property back to a single dwelling house to undertake the works) does not outweigh the harm that the proposed development would have to the character and appearance of the building and the surrounding area or the conflict with the Development Plan.

Conclusion

15. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR

