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## Appeal Decision

Site visit made on 16 January 2018

by **N A Holdsworth MCD MRTPI**

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

Decision date: 23 March 2018

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**Appeal Ref: APP/Q1445/W/17/3180069**

**83 Ditchling Rise, Brighton, BN1 4QP**

- 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 Alfredo Maisto against the decision of Brighton & Hove City Council.
  - The application Ref BH2017/00571, dated 17 February 2017, was refused by notice dated 17 May 2017.
  - The development proposed is single storey rear extension and roof conversion including dormer to rear elevation.
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### Decision

1. The appeal is dismissed insofar as it relates to the roof conversion including dormer to rear elevation. The appeal is allowed insofar as it relates to a single storey rear extension and planning permission is granted for a single storey rear extension at 83 Ditchling Rise, Brighton, BN1 4QP in accordance with the terms of the application, Ref BH2017/00571, dated 17 February 2017, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, in so far as they relate to the construction of a single storey rear extension: P005 (Existing Local Plan and Ground Floor Plan), P015 Revision C (Proposed Block Plan and Ground Floor Plan), P016 Rev B (Proposed First Floor Plan and Roof Space), PO17 Revision C (Proposed Section), PO18 Revision C (Proposed Elevations).
  - 3) Unless specified otherwise on the plans approved as part of this permission, the materials to be used in the construction of the external surfaces of the development hereby approved shall match those used in the existing building.

### Preliminary Matters

2. The Council refer to the site falling within the Preston Park Conservation Area. However, it is clear from the plan of the Conservation Area provided by the Council at the appeal stage that the southern boundary of the Conservation Area sits at the end of the rear garden of the appeal site. The appellant therefore maintains that the building and garden area fall outside the Conservation Area, and the Council provide no evidence to contest this.

3. The proposed development involves two separate elements, a rear extension and alterations to the roof of the building including the installation of a dormer window. These are clearly separable, and I have dealt with the appeal accordingly.

### **Main Issue**

4. The main issue is the effect of both elements of the proposed development on the character and appearance of the host building and surrounding area, including consideration of whether it would conserve or enhance the character or appearance of the Preston Park Conservation Area.

### **Reasons**

#### *Roof alterations*

5. Saved Policy QD14 of the Brighton and Hove Local Plan (2005) ("Local Plan") states that planning permission for extensions or alterations to existing buildings will only be permitted if the proposal is well designed, sited and detailed in relation to the property to be extended, adjoining properties and the surrounding area. Specific guidance on dormer windows is provided in the supplementary planning document SPD12 "*Design guide for extensions and alterations*" (2013) ("SPD12"). Amongst other things, this states that box dormers constructed using the full height of the roof are an inappropriate design solution as they give the appearance of an extra storey on the top of the building. It further states that dormer windows should clearly be a subordinate addition to the roof, set well off the sides, ridge and eaves of the roof, with any supporting structure kept to a minimum with no large areas of cladding to either side of the window or below.
6. The proposed dormer window would rise almost to the ridge height of the existing roof. It would also have a substantial and prominent area of cladding around the window itself. As such it would appear disproportionately bulky in relation to the main roof, and would not read as a subordinate addition to the roof of the host property. Whilst it would be screened in more distant views from the by the railway embankment and the mature trees planted along it, it would still be clearly visible from the rear garden of the host property and those that surround it.
7. Whilst the appellant refers to other dormer windows in the surrounding area, including some particularly bulky examples on the surrounding streets, the immediate context of the development is provided by the roofline to the rear of the terrace along Ditchling Rise within which the host property is located. With the exception of the immediate neighbouring property, this elevation otherwise appeared substantially unaltered at roof level. The dormer window on the neighbouring property is of a broadly similar scale to the appeal proposal. However, in that case I observed that there is less visible cladding to the side or below the window itself, on its main rear facing elevation. As such, it is not directly comparable to the proposed development. I am not persuaded that it is an example that should inevitably be followed on the appeal building, and it does not provide a justification for the appeal proposal.
8. Whilst the appellant maintains that the dormer window has been designed to meet the requirements of permitted development, the building appears to be divided in to flats and there is no evidence before me to indicate that

alternative development could be carried out under permitted development rights. Consequently, the decision must be made on its planning merits, in accordance with the development plan.

9. I therefore conclude that the proposed dormer window would result in harm to character and appearance of the host property. This harm would also be clearly visible from the garden areas to the rear of these properties, and the development would therefore also result in harm to the character and appearance of the surrounding area. This part of the development therefore conflicts with saved policy QD14 of the Local Plan and the relevant parts of SPD12, which require that that new dormer windows are well sited and detailed in relation to the property to be extended, being subordinate to the roof and with any supporting structure kept to a minimum with no large areas of cladding to either side of the window or below. The development would not meet these criteria.
10. In terms of the other elements of the roof alterations, three rooflights are proposed. However, these would be small in size and would occupy a very limited proportion of the front and residual areas of the rear roof slope. Furthermore, due to their height, they would be barely visible from the street or surrounding residential properties. In consequence, I do not agree that they would amount to visual clutter or otherwise disrupt the appearance of the roof to an unacceptable degree. Consequently, this aspect of the development would not conflict with policy QD14 of the Local Plan. However, the lack of harm in this regard does not make the roof conversion acceptable.

#### *Rear extension*

11. A rear extension is also proposed. In common with other buildings on the terrace in which it is located, the existing property has an outrigger. Beyond this, it houses an existing extension at a depth of around 3.1 metres from the rear of the outrigger. This would be demolished, and replaced with a single storey extension around 5.6 metres deep.
12. Observing the rear of this terrace from the garden of the host property I noted that a significant amount of alteration has taken place to the surrounding properties to the rear at ground floor level. Furthermore, the property has a deep garden running to the railway embankment at its end, and the additional bulk of the extension would not represent a significant incursion in to this garden area. The extension would be limited to one storey in height and would only encompass part of the width of the host building, with the existing recessed area to the side of the outrigger and extension remaining unaltered. Consequently, I do not agree that the development would lead to the creation of a building with an overextended appearance.
13. Whilst there would be a change to the plan form of the building, the extension would nonetheless appear proportionate to the host building and the garden in which it would be sited. The Council consider that the extension would be deeper than half the depth of the main body of the original building. However, in the circumstances of this case I consider that the resultant appearance of the extended building would be acceptable.
14. I therefore conclude that the rear extension would not result in harm to the character and appearance of the host property or the area that surrounds it. This part of the development does not conflict with saved policy QD14 of the

Local Plan, which requires that extensions to existing buildings are well designed, sited and detailed in relation to the property to be extended, adjoining properties and the surrounding area. Nor is there conflict with the relevant parts of SPD12, which seek to ensure that rear extensions are proportionate to the buildings they are attached to, and maintain useable garden space for existing and future residents.

### *Conservation Area*

15. The site does not fall within the Preston Park Conservation Area. The railway embankment to the rear of the property does, although this embankment rises to a height of around 10 metres and separates the property from the built development around Preston Park towards the north. Whilst the evidence before me is limited, I consider that the special character of this Conservation Area is derived from the relationship between the railway embankment and the built development to its north, on the other side of the embankment. The terrace in which the site is located does not form part of this built development and, due to the height of the railway embankment and trees planted along it, neither element of the development would likely to be visible from it. The development would be visible from the railway embankment itself, but in my view neither element of the development would be of a scale whereby the setting of this part of the Conservation Area would be materially affected.
16. Consequently, having regard to the test set out in Section 72 (1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the development would have a neutral effect, therefore preserving both the character and the appearance of the Preston Park Conservation Area. There is no conflict with Policy CP15 of the Brighton and Hove City Plan Part One (March 2016 or policy HE6 of the Local Plan, which require, amongst other things, that new development does not have a harmful impact on the townscape and roofscape of Conservation Areas within the city.

### *Other Matters*

17. The appellant maintains that the roof extension is necessary to provide additional bedrooms for a growing family, together with additional toilet and bathroom facilities. However, it strikes me that there may be other ways of adapting the building to achieve this objective, without resulting in harm to the character and appearance of the host property and surrounding area. As such, the benefits through improvements in the residential living environment do not outweigh the harm identified in this decision. I agree that the roof alterations would not result in harm to the living conditions of the occupiers of neighbouring residential properties; however this is merely a neutral factor in the overall planning balance.
18. Whilst the appellant raises concerns about the conduct of the Council in dealing with the planning application that led to this appeal, this has no bearing on the planning considerations involved in an assessment of the case. In dealing with this appeal, I have dealt with the case on its planning merits.

### **Conclusions**

19. I have found that both elements of the development would have a neutral effect thereby preserving both the character and the appearance of the nearby Preston Park Conservation Area.

20. The rear extension is acceptable in terms of its effect on the character and appearance of the host building and surrounding area. However, the proposed dormer window to the rear elevation would result in harm to the character and appearance of the host building and surrounding area. My finding that this part of the development would be acceptable in terms of its effect on the nearby Conservation Area does not overcome the more general harm to the character and appearance of the area that would arise as a consequence of this part of the development.
21. As such, for the reasons given above and having had regard to all other matters raised I conclude that the appeal should be dismissed in so far as it relates to the roof conversion including dormer to rear elevation but allowed in so far as it relates to a single storey rear extension, subject to conditions necessary to comply with the relevant statutory requirements [1], in the interests of certainty [2], and to ensure that the appearance of the single storey rear extension is appropriate given the character and appearance of the host building and surrounding area [3].

*Neil Holdsworth*

INSPECTOR

