



Appeal Decision

Site visit made on 22 November 2018

by **John Felgate BA(Hons) MA MRTPI**

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

Decision date: 10th December 2018

Appeal Ref: **APP/Q1445/D/18/3215468**

5 Overhill Way, Brighton BN1 8WP

- 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 & Mrs J Kodz against the decision of Brighton & Hove City Council.
 - The application Ref BH2018/02019, dated 20 June 2018, was refused by notice dated 5 October 2018.
 - The development proposed is described as: "*New roof to loft with existing ridge raised and new rear dormer to the loft. Existing first floor dormers to be replaced. Alterations to existing fenestrations*".
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Decision

1. The appeal is allowed, and planning permission is granted for the development described in this decision, at 5 Overhill Way, Brighton BN1 8WP, in accordance with the application Ref BH2018/02019, dated 20 June 2018, subject to the following conditions:
 - 1) The development shall begin not later than 3 years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following plans: 17058-P-200, 17058-P-201, 17058-P-202, and 17058-P-203.
 - 3) The materials to be used on the external surfaces shall match those used on the existing building.
 - 4) The new decking and terrace areas shall not be brought into use, until details of the proposed boundary treatments have been approved in writing by the local planning authority, and all such boundary treatments have been installed in accordance with the details thus approved.

Clarification

2. The description of the proposed development set out above is that which appears on the application form. In addition, the submitted plans also show some further proposed works, including the construction of a raised timber deck at the same level as the internal ground floor rooms, a terrace slightly below this level, and excavations to form a patio at lower-ground floor level. Although these works are not expressly referred to in the application, it is clear that the Council has treated them as part of the proposal, and I have therefore done the same.

Reasons for decision

3. The Council's objection is limited to the proposed dormer window at second floor level, which it considers visually harmful. Having regard to the refusal reason and accompanying officer's report, I consider that the main issue in the appeal is the effect of the new dormer on the character and appearance of the area.
4. The proposed second-floor dormer would sit above the two existing ones at first-floor level, within an enlarged upper roof area. The new dormer would be larger than those that exist, filling more than half of the upper roof slope. It would have a flat top, running just below the roof's main ridge. It would also incorporate three full-height sliding windows, and a 'Juliet-style' balcony rail and glazed panel. Seen from the rear, these features would make the new dormer quite visually prominent.
5. However, this does not mean that it would be unacceptable. The dormer would sit symmetrically, in relation to the roof, and in relation to the other windows below. It would be positioned well back behind the existing first floor dormers, within a separate and distinct plane of the gambrel roof. It would also be set well in from the edges, leaving a substantial area of tiled roof on either side. The shape and proportions of the glazed panes would match those proposed for the ground floor, and the styling of the balcony features would complement those proposed for the new decking and terrace areas. Overall therefore, the appeal scheme's various elements would combine to make a coherent and consistent composition, and the second floor dormer would be seen as just one part of the whole. In this context, the appearance of the dormer would be acceptable.
6. Seen from the front of the house, and from along Overhill Way in either direction, little if anything of the dormer in question would be visible. No other views from within the public realm have been identified, and none were apparent to me on my visit.
7. I note the Council's comments with regard to other aspects of the scheme, including the slight raising of the roof, the alteration from hipped ends to gables, and the potential for additional overlooking. I agree that any harm arising from these would be only minor, and none of these issues therefore warrants refusal.
8. For these reasons, I find that the proposed development would cause no material harm to the area's character or appearance, and in this respect the scheme would accord with Policy QD14 of the Brighton and Hove City Plan, adopted in March 2016. I therefore conclude that the appeal should be allowed.
9. In granting permission, I have imposed the conditions set out at paragraph 1 above. Of these, Condition 2 is necessary to ensure certainty as to the nature of the development, Condition 3 is needed to secure a satisfactory appearance, and Condition 4 to ensure adequate screening for the decking and terrace areas.

J Felgate

INSPECTOR