

Appeal Decision

Site visit made on 26 September, 2016

by C. Jack, BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 30TH September, 2016

Appeal Ref: APP/Q1445/W/16/3152806

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 BH2016/01289, dated 13 April 2016, was refused by notice dated 17 June 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 proposed development on the character and appearance of the area.

Reasons

3. Stanmer Park Road, like much of the surrounding area, is a predominantly residential street comprised of a mixture of terraced and semi-detached properties in a variety of ages, styles and materials. No 82 is an end of terrace property situated on the corner with Stanmer Street. It appears two-storey from the front and three-storey at the rear, due to sloping ground, albeit the existing hedge and fence on the side boundary largely screen the lower ground floor from public view. The property has been previously converted into two apartments but retains the general character and appearance of one house.
 4. The proposed development is to convert the loft space to provide additional living accommodation for the first floor flat. This would include a flat roofed dormer at the rear and two roof lights in the front roof slope. While the Council has some concern with the siting of the front roof lights, it considers that this does not warrant refusal of planning permission and I see no reason to disagree. The roof lights would not be aligned with the fenestration below, but they would be centrally positioned from the sides of the roof and set down from the ridge in a similar manner to others in the vicinity. They would therefore have no significant impact on the character and appearance of the area.
 5. The dormer would be almost full width and set in only a little from the ridge and the eaves. In these respects it would not accord with the Council's adopted Supplementary Planning Document 12 'Design guide for extensions and alterations' 2013 (SPD). The SPD sets out that dormer windows should be kept as small as possible, be clearly subordinate to the roof and set well off the
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sides, ridge and eaves of the roof. Furthermore the supporting structure should not be substantially larger than the windows themselves. The SPD is clear that full width box dormers will not be permitted as they give the appearance of an extra storey on top of the building.

6. The proposed dormer, due to its size and boxy design, would substantially obscure the existing rear roof slope and would therefore be a dominant feature in relation to the host building, particularly given its elevated, corner position. The windows would also be larger than the existing windows in the rear elevation and would not align with them, which would add to the dominant appearance of the structure in relation to the host building. Furthermore, the large supporting structure of the dormer would appear bulky and unsympathetic to the host building and the wider street scene. I note the appellant's willingness to use whatever external materials might be deemed most appropriate. However in this case the fundamental concern is with the size and design of the dormer, which would not be overcome by changing the materials alone.
7. I saw during my site visit that there are currently two dormers on the rear of the same terrace as No 82, which are similar in size and design to that proposed. There are also several similar dormers evident on the rear of the adjacent terrace, which faces Stanmer Villas, together with a number of other examples nearby, including one on the corner of Stanmer Villas and Stanmer Street, which are visible from the vicinity of the appeal site aided by the marked differences in ground levels.
8. However, the two dormers do not represent a majority of buildings in the host terrace having dormers and the various other examples visible nearby also do not represent a majority of buildings in the wider locality having dormers. Accordingly, the scenario expressed in the SPD whereby similar new dormers may be acceptable if the majority of buildings in a terrace or group already have them has not been triggered in this instance.
9. I therefore concur with the broad findings of the Inspector in previous appeal decision Ref APP/Q1445/A/08/2089171 that the presence of similar dormers on the nearby properties serves to reinforce the view that large box dormers are, generally, unsightly and harmful to the character and appearance of the area. Furthermore, as there is no majority of such dormers in the terrace or the wider locality, the existing examples do not constitute a precedent of any significant weight in favour of allowing this appeal, which must anyway be determined on its own merits.
10. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the building and the wider street scene. It would therefore conflict with retained Policy QD14 of the Brighton and Hove Local Plan 2005, which amongst other things seeks to ensure that extensions relating to the formation of rooms in the roof are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. It would also conflict with the relevant requirements of the adopted SPD in relation to roof extensions and alterations.

Other Matters

11. I sympathise with the appellant's position that he is seeking permission to do what others nearby have done, most likely with the benefit of permitted

development rights that would not apply in relation to the appellant's property as a flat. While this may feel unfair, these particular circumstances do not outweigh the harm that the proposed development would cause to the character and appearance of the building and the surrounding area or the conflict with the development plan that I have identified above.

12. I have also had regard to the other submissions, including that little would be achieved in not allowing this dormer when there are already others nearby and that a solution other than a wide, boxy dormer design would appear worse in this instance since most existing dormers in the area are wide and boxy. While I have no alternative designs to consider, and in any event I must determine the appeal proposal on its own merits, I am not persuaded on the evidence before me that a more sympathetic design solution could not be achieved in this case. Accordingly, I am unable to afford these factors more than a little weight, which does not outweigh the harms that I have identified above.

Conclusion

13. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR