



Appeal Decision

Site visit made on 7 November, 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: 17TH November, 2016

Appeal Ref: APP/Q1445/W/16/3154692

First Floor Flat, 60 Lyndhurst Road, Hove, BN3 6FB

- 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. Samuel Sharpe against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/00809, dated 7 March, 2016, was refused by notice dated 12 May, 2016.
 - The development proposed was originally described as a loft conversion.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding the original description of the development taken from the application form, it is clear from emails dated 17 and 18 March, 2016 that there was agreement between the Council and the appellant for the amended description, 'Roof alterations incorporating rear dormers and roof lights to front and rear elevations'. Furthermore, it is clear that the application was amended, prior to its consideration by the Council, such that it related to both the First Floor Flat, 60 Lyndhurst Road and to the adjacent house, 62 Lyndhurst Road, albeit the original application form and the appeal form refer only to the flat as the site address. The Council determined the application on the basis of the amended description and in relation to both properties. I have determined the appeal on the same basis.
3. I undertook my site visit from the rear garden at No 60 and I was also able to view the rear of No 62 from there, as well as from public vantage points in Holland Road and Davigdor Road. Accordingly, I am entirely satisfied that I was able to see all that was necessary in order for me to determine the appeal in relation to both properties.

Main Issue

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

Reasons

5. 60 and 62 Lyndhurst Road are two-storey, early 20th Century terraced properties, typical of the street. No 60 has been converted into two flats. The rear gardens back onto the railway line, which is set below garden level. There is an industrial/retail estate beyond. There are various existing roof extensions and roof lights visible in the vicinity of the appeal site.
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6. It is proposed to convert the loft space of both properties to form additional living accommodation. The height of the existing hipped roof of the rear outrigger would be raised and extended resulting in a flat-topped, mansard type roof profile. Large sliding sash windows would feature in the rear of the extended roof and a number of roof lights would be inserted in the front and rear of the main roof, and one in each side of the modified outrigger roof. The proposed development at No 62 would mirror that proposed for No 60.
7. I note that there are examples of flat roofed outriggers further along Lyndhurst Road, towards Holland Road. There are also several flat roofed dormers evident along the terrace, each of which is situated in the main roof rather than the outrigger. Accordingly, there is not complete uniformity along the rear elevations of the terrace but it does maintain a general sense of rhythm and continuity of rooflines, including to the outriggers in this part of the road. The proposed roof extensions would be visually heavy in this context, particularly in relation to the existing roof of the outrigger, and the flat top would be discordant with the pitched roofs of the outriggers at neighbouring properties. In this respect the proposal would have an adverse impact on the appearance of the host properties and the continuity of the terrace, which would be inconsistent with the Council's adopted Supplementary Planning Document 'Design guide for extensions and alterations' 2013 (SPD12).
8. Additionally, the rear sliding sash windows would appear unduly large as well as misaligned compared to the varied fenestration below. Together with the discordant roof profile, these large windows would appear incongruous and out of keeping with the existing terrace, whereas the outriggers typically maintain pitched, hipped roofs without such fenestration.
9. The proposed extensions would be apparent in public views from Holland Road and various points in Davigdor Road. While these are fairly long views of the site, particularly from Davigdor Road, the terrace does form a key visual backdrop to the outlook from both roads, from where some largely uninterrupted views of the roof scape can be obtained. Accordingly, the rear view of the terrace it is akin to a street scene in this respect, albeit there is a railway line rather than a road running past. I acknowledge that there are a couple of examples of apparently enlarged roofs to outriggers in the terrace, visible from these viewpoints. However, these maintain hipped roofs, albeit with a higher ridge compared to the 'originals'. These other enlargements, while discernible in the street scene, are not incongruous within it as they follow a similar style to the nearby hipped roofs. In this respect they differ significantly from the proposed development, which would result in a roof form not seen elsewhere in the terrace.
10. The proposed roof lights would be set into the existing plane of the main roof or set to the side of the outrigger. Accordingly, they would not be readily visible from the public realm to the extent that the roof extensions and large sash windows would be. Moreover, while they would not be exactly aligned with the fenestration below, they would be symmetrically and logically positioned within the roof slopes. Therefore, they would not be unduly conspicuous in the front or rear street scene, where there are various existing similar examples of roof lights. The roof lights proposed would therefore not be harmful to the character and appearance of the area.
11. I note the appellant's position that the proposed development, in so far as it relates to No 62, could be implemented with permitted development rights, whereas No 60,

as a flat, would not benefit from such rights. It is put to me that if the development was completed using this 'fall-back' position at No 62 the result would be an unbalanced appearance in relation to No 60. In such a scenario, it is argued, it would be desirable, having regard to SPD12, for a similar development to take place at No 60 in order to re-establish symmetry. However, it is not a matter for me, in the context of an appeal made under Section 78 of the Town and Country Planning Act 1990, to determine whether all or part of a proposed development would constitute permitted development and I am required to consider the scheme before me as a whole and on its own merits.

12. While the joint application may be indicative of an intention to undertake the proposed development as one, it provides no guarantee. Furthermore, there is no significant evidence before me to suggest that the proposed development at No 62 is especially likely to be implemented alone, even if it does benefit from permitted development rights. Indeed, there may be practical reasons why this would be unlikely or undesirable. While I accept that the implementation of the proposed development at No 62 alone would be more harmful to character and appearance than joint implementation, this does not justify the granting of an otherwise unacceptable scheme. Therefore, I am unable to give more than a little weight in favour of the development to the suggested fall-back position.
13. For the reasons set out above, I conclude that the proposed development would be detrimental to the character and appearance of the area. Accordingly it would conflict with retained Policy QD14 of the Brighton and Hove Local Plan 2005, which seeks to ensure that extensions and alterations, including the formation of rooms in the roof, would among other things be well designed, sited and detailed in relation to the host property, adjoining properties and the surrounding area, and take account of the character of the area. It would also conflict with the relevant guidance of SPD12 in relation to roof extensions.

Other Matters

14. My attention has been drawn to an extended roof profile allowed under appeal Ref APP/F1420/A/85/31790 at 7 Lyndhurst Road on the corner of Avondale Road. The appellant considers that this roof form does not detract from the scale of the building and character of the area. However, that appeal significantly pre-dates the current adopted development plan and so the policy context pertaining may have been significantly different. A further raised roof profile at 21/21a Lyndhurst Road is referred to, the circumstances of which are unclear, including whether it is an extension or original. As a result, I can only afford these other developments a little weight in favour of the proposed development, which is not sufficient to outweigh my findings above with regard to the current development plan.

Conclusion

15. In light of my reasoning above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR