

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: 21st November, 2016

Appeal Ref: APP/Q1445/W/16/3155573

72A Lewes Road, Brighton, BN2 3HZ

- 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. William Moore against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/01517, dated 28 April, 2016, was refused by notice dated 1 July, 2016.
 - The development proposed is remodelling of the rear pitch of an already existing loft conversion to provide improved internal living arrangements.
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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.

Preliminary Matters

3. I note the concern raised by the appellant that the General Permitted Development Order 2016 (GPDO) allows for specified extensions to roofs of dwelling/houses, but that this benefit does not apply to flats. However, in the context of an appeal made under Section 78 of the Town and Country Planning Act 1990, the merits of the GPDO are not for me to consider. I have therefore considered the proposed development before me on its own merits.

Reasons

4. 72A Lewes Road is a first floor flat above a shop, which fronts onto the busy Lewes Road, a main route to the city centre. The area is mixed in character, including shops, restaurants, pubs and takeaways in a variety of buildings, together with predominantly residential terraced properties in the adjacent side streets. There is an existing small, pitched roof dormer and single roof light at the rear of No 72A, which can be seen in oblique views from Aberdeen Road.
 5. It is proposed to replace the existing dormer and roof light with a significantly larger, flat-roofed dormer at the rear, and to insert two conservation type roof lights in the front roof slope. This would accommodate a double bedroom, enlarged children's bedroom and a new shower room on the second floor, where there is currently a double bedroom and a small second bedroom. A skylight in the top of the dormer would also function as a maintenance access to the roof.
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6. The proposed dormer would be full width and set down only very marginally from the main ridge, with no perceptible set in from the eaves. It would be of boxy design and its siting and excessive scale in relation to the existing roof slope would give the appearance of an additional storey. This would be inconsistent with the Council's adopted Supplementary Planning Guidance 'Design guide for extensions and alterations' 2013 (SDP12), which states that in all cases, box dormers constructed using the full width (and/or height) of the roof are an inappropriate design solution and will not be permitted as they give the appearance of an extra storey on top of the building.
7. Furthermore, the dormer would be slate-hung and the scale of the supporting structure would be significant in relation to the dormer fenestration. Notwithstanding that slate would be a sympathetic material for the host building; the extent of the supporting structure would accentuate the heavy, dominant appearance of the dormer that would result from its overall size and boxy design. In this respect there would be further inconsistency with SPD12.
8. For the same reasons, the dormer would be contrary to retained Policy QD14 of the Brighton and Hove Local Plan 2005 (BHLP), which requires, amongst other things, that extensions, including for the formation of rooms in the roof, are well designed, sited and detailed in relation to the property to be extended, adjoining properties and the surrounding area.
9. I note that the existing roof scape of the terrace in which No 72A lies is varied, including flat and pitched roofs, chimneys, aials, extractor flues and existing, smaller, dormers. I also note that public views of the proposed development would be generally limited to one main vantage point in Aberdeen Road, from where it would be seen against the context of the existing roof scape. However, the proposal would also be visible from the rear of a number of properties in Inverness Road, Aberdeen Road and Upper Lewes Road, which form part of the same quadrangle as No 72A. I accept that these factors would limit the harm caused by the development to a degree, and I have given them some weight in favour of the proposal, however this is not sufficient to outweigh the harm that the development would cause to the character and appearance of the area and the conflict with the development plan and SPD12 that I have identified above.
10. In considering the proposal against the existing character of the area, I have been mindful that there are a number of examples of similar dormers in the area, including two nearby in Upper Lewes Road facing towards the appeal site that can be seen from adjacent streets. I accept that these may have been carried out under the provisions of the GPDO, and as I have set out, the appellant does not have the benefit of this fall-back position. However, the existing examples visible nearby do not represent a majority presence of similar dormers on buildings in the locality and such dormers therefore do not form a significant component of the existing character of the area.
11. Therefore, I consider that these other examples, whether permitted development or otherwise, do not constitute a precedent of any significant weight in favour of allowing this appeal. Accordingly, the scenario expressed in SPD12 whereby similar new dormers may be considered acceptable if the majority of buildings in a terrace or group already have them, would not apply in this case. Moreover, I consider that the presence of similar dormers at

nearby properties serves to demonstrate that large box dormers are, generally, unsightly and harmful to the character and appearance of the area.

12. The proposed front roof lights would be conservation type, dark grey in colour, and set flush with the existing slate roof covering. As a result they would be unobtrusive in the street scene and so would not be detrimental to the character and appearance of the area.
13. Notwithstanding this, I conclude that the proposed development would be harmful to the character and appearance of the area. It would therefore conflict with retained Policy QD14 of the BHLP and the relevant guidance of the adopted SPD12.

Other Matters

14. I sympathise with the appellant's position that he is seeking permission to extend in order to meet the needs of his family, and I note his argument that he is unable to purchase a larger property locally to meet their future domestic needs. Furthermore, he believes he is prevented from extending primarily because the appeal property is a flat. Personal circumstances can seldom outweigh general planning considerations and cannot be considered exceptional in this case. Moreover, the alleged iniquity of the provisions of the GPDO is not a matter for me. I am therefore unable to afford these factors more than a little weight in favour of the proposed development, which does not outweigh the harm to character and appearance and the conflict with the development plan that I have identified above.
15. Furthermore, I have considered the appellant's concern that to prevent the proposed extension would interfere with his right to respect for private and family life under Article 8 of the Human Rights Act 1998. However, this interference to the rights of the individual must be balanced proportionately against the wider public interest, in this instance the preventing of harm to the character and appearance of the area. I have found the identified public harm would outweigh the benefit to the individual and the interference would therefore be justified. Accordingly, there would be no disproportionate interference with the appellant's human rights.

Conclusion

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

Catherine Jack

INSPECTOR