
Appeal Decision

Site visit made on 14 November 2016

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

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

Decision date: 23rd November 2016

Appeal Ref: APP/Q1445/W/16/3156780
44a Cobden Road, Brighton BN2 9TJ

- 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 & Ms Short & Gimson against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/01635, dated 6 May 2016, was refused by notice dated 19 July 2016.
 - The development proposed is roof alterations incorporating a minor increase in ridge height, front and side roof lights, rear dormer with associated alterations and revised fenestration.
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Decision

1. The appeal is allowed and planning permission is granted for roof alterations incorporating a minor increase in ridge height, front and side roof lights, rear dormer with associated alterations and revised fenestration at 44a Cobden Road, Brighton BN2 9TJ, in accordance with the application Ref BH2016/01635, dated 6 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: proposed site and floor plans TP01 A, proposed roof and floor plan TP02 D, proposed elevations TP03 D, proposed section D TP04 D, proposed section TP06 A.

Main Issue

2. The main issue is the effect of the proposed dormer window on the character and appearance of the host property.

Reasons

3. Cobden Road is characterised by two-storey Victorian terraced properties with pitched roofs. No 44 is immediately adjacent to the Cobden Arms and has been sub-divided into two flats, both of which have small rear gardens on the higher ground to the rear of the building. No 44a is the flat occupying the upper floor of the original building. It has already been extended at the rear and its garden is to the side of the flat in an area that lies to the rear of the pub.
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4. Planning permission to raise the roof, create a rear dormer, insert new roof lights together with alterations to the roof form of the existing extension was granted in June 2016, Ref: BH2016/01353. The current proposal is similar in many respects. However, the revised scheme seeks to increase the size of the proposed dormer. It would be 1.17m wider, 30mm higher and 620mm deeper than the approved scheme.

Dormer window

5. The rear elevations of the properties on this side of Cobden Road have been the subject of numerous alterations and extensions over the years. Consequently, no sense of uniformity has been retained along the terrace as a whole. The roof alterations include several large, box style dormers which may well have been constructed under previous permitted development rights. Whilst the Council states that there is no planning history to these existing dormers, there was no evidence to suggest that they were unlawful, or that they were the subject of on-going enforcement investigations.
6. At the rear of No 44 there is already an eclectic mix of extensions, including a tall mono-pitch roof extension at upper ground level, which has little or no resemblance to the form or design of the original building. However, the bulk of this extension largely obscures views of the roof of No 44a from the garden and from most of the immediately surrounding houses. I accept that the roof can be seen from the rear of properties in Luther Street, which is set on higher ground than Cobden Road. However, from these houses any alterations to the rear of No 44a would be seen in the context of the already altered rear elevations of the terrace as a whole.
7. The proposed dormer window would result in the loss of a significant proportion of the original rear roof slope of No 44a. It would be a large, box shaped structure with four windows. It would appear to occupy more than half the overall roof slope, although no precise figures have been presented by either party.
8. The Council's Supplementary Planning Document: *Design Guide for Extensions and Alterations* (SPD) provides advice in relation to the addition of dormers and roof lights to existing dwellings. It particularly stresses that dormers that use the full width and/or height of the roof will not be permitted. It goes on to state that dormer windows should be kept as small as possible and clearly be a subordinate addition to the roof.
9. The proposal would not fail the essential requirements of this advice as it would not occupy the full width or height of the roof and would not include large areas of cladding. It would be set down from the raised ridge, above the eaves and well separated from the parapet walls that mark the boundaries with the adjoining properties. It would be centrally positioned in the roof slope, which would be appropriate given the arrangement of extensions and windows in the remainder of the rear elevation. It therefore seems to me that its overall scale, position and design would not be overly dominant and that an acceptable proportion of the original roof slope would be retained. Therefore, in the context of the immediate surroundings of this particular site, and having regard to the roof extensions already carried out on other dwellings in the terrace, I am not persuaded that the proposed dormer would be harmful to the host property.

10. Although the proposal would not meet with the requirement of the SPD to be 'as small as possible', it would comply with the other advice and I therefore consider that it would be acceptable, given the unique nature of its particular setting. In reaching my conclusion I have had regard to a previous appeal decision¹ in Cobden Road which the appellant drew to my attention. However, that decision related to a house, rather than a flat, on the opposite side of the street. It dealt with an appeal against a condition removing permitted development rights, so is not directly comparable with the current proposal. It also pre-dates the adoption of the Council's SPD. I have therefore given it little weight in my overall considerations.
11. Nevertheless, for the reasons set out above I conclude that the proposed roof alterations would not be harmful to the character and appearance of the host property. The proposal would therefore comply with saved Policy QD14 of the Brighton and Hove Local Plan, which seeks to ensure that extensions and alterations are well designed, sited and detailed in relation to the host property and its surroundings.

Raised ridge, rooflights, and alterations to existing rear extension

12. The proposal would raise the ridge of the roof to match the height of the adjoining property, No 43. This would not be harmful to the street scene as the properties on Cobden Road do not have a uniform ridge height. The rooflights proposed within the front roof slope would be of appropriate scale and proportions. Their siting would ensure that they are not highly visible from the street and they would be compatible with those that can be seen on neighbouring properties. Two further rooflights are proposed within the mono-pitched roof of the rear extension. These would also be appropriately scaled and positioned and would not be harmful to the appearance of the property.
13. The proposal seeks to alter the existing rear extension by replacing the pitched roof element with a flat roof to match that on the remainder of the rear extension. Alterations to the glazing of the rear extension would include bi-fold doors opening onto the garden. These alterations would only be seen from the immediately surrounding properties and would not be harmful to the overall appearance of the flat.
14. The Council considered all these elements of the scheme to be acceptable and granted planning permission for them as part of application Ref: BH2016/01353. I see no reasons to reach a different conclusion and they will therefore form part of the permission granted by this decision.

Conditions and Conclusion

15. In addition to the standard time limit, I have imposed a plans condition in the interests of certainty.
16. For the reasons set out above, I conclude that the appeal should be allowed, subject to conditions.

Sheila Holden

INSPECTOR

¹ APP/Q1445/D/10/2137323