

---

## Appeal Decision

Site visit made on 10 April 2017

**by L Gibbons BA (Hons) MRTPI**

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

**Decision date: 18 May 2017**

---

**Appeal Ref: APP/Q1445/D/17/3170019**  
**246 Mackie Avenue, Brighton BN1 8SD**

- 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 Dean Hollinshead against the decision of Brighton & Hove City Council.
  - The application Ref BH2016/05632, dated 11 October 2016, was refused by notice dated 9 February 2017.
  - The development proposed is a single storey side extension, alterations to roof with rear dormer and rooflights to the front, alteration to the rear sun-lounge.
- 

### Decision

1. The appeal is allowed and planning permission is granted for single storey side extension, alterations to roof with rear dormer and rooflights to the front, alteration to the rear sun-lounge at 246 Mackie Avenue, Brighton BN1 8SD in accordance with the terms of the application, Ref BH2016/05632 dated 11 October 2016, subject to the conditions set out below:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 05-0916-02 (floor plans proposed); 05-0916-03 (floor plans proposed); 05-0916-05 (elevations proposed); 05-0916-06 (location plan); 05-0916-07 (block plan existing); 05-0916-08 (block plan proposed); and 05-0916-11 (sections proposed).
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Procedural Matter

2. As part of the appeal proposal the appellant submitted an illustrative drawing showing a fall-back position relating to the rear dormer. From the information provided by the appellant this had been requested by the Council and they have been provided with a further opportunity to comment on the drawing. Given the circumstances, I am satisfied that I can take the drawing into account without prejudicing the interests of the Council and other parties.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of No 246 Mackie Avenue.
-

## Reasons

4. The appeal site is within a residential area. The dwellings are a mix of semi-detached bungalows and houses. The majority of the bungalows have curved bay windows which are the most interesting feature of the properties. They also have hipped roofs although a number have gable roofs, and significant mismatches between the designs of adjoining properties do exist. Due to the street trees and planting providing some screening along the road the rhythm of the roofscape is not a highly prominent feature. A number of the bungalows within the area have flat roof dormer windows at the rear which vary in design and bulk. Full width dormers can also be seen when stood within the rear garden of No 246 Mackie Avenue.
5. The proposal would include the replacement of the existing roof with a hip to gable extension, extension of the rear dormer and alterations to the front dormer. I have been referred to the Council's Supplementary Planning Document Design Guide for Extensions and Alterations (SPD12) 2013. As the rear dormer would be a full width dormer, the proposal would not strictly accord with the SPD. I acknowledge that there is a difference between this scheme and a roof extension at No 2 Glenfalls Avenue referred to by the parties.
6. Nevertheless, No 246 has an existing front and rear dormer. The bungalow has an unbalanced appearance with the adjoining property, with the front and rear elevations of the properties being very different in appearance. In addition, the existing dormer ridges have a very awkward relationship with the roof. The proposed dormers would be clearly below the ridge of the main roof and this would be an improvement to the existing situation. In terms of public views the flat roof and cladding of the existing rear dormer is currently visible from the street. Due to the shape and materials of the proposed rear dormer being similar to the existing dormer it would not affect this view. Taking into consideration the design of the existing roof, the strong differences between the pair of dwellings, I conclude that the proposal would not materially detract from the character of the bungalow which has already been significantly altered.
7. For the reasons given above, I conclude that the proposed development would not cause harm to the character and appearance of No 246 Mackie Avenue. It would not be in conflict with saved Policy QD14 of the Brighton and Hove Local Plan 2005. This amongst other things seeks to only permit extensions or alterations to existing buildings, including the formation of rooms in the roof that are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.

## *Other matters*

8. The appellant accepts that when considered as a whole the proposal would not fall under permitted development rights. However, in terms of a fall-back position relating to the rear dormer the illustrative drawing shows roof alterations which the appellant considers would be permitted development taking account of the existing dormers based on discussions with the Council. I consider the possibility of this being implemented does exist, however small. The Council refers to the fallback position having a reduced width dormer. However, the dormer would also lead to an unbalanced appearance that would be visible from the front elevation. I consider that the implications of the

scheme in respect of the rear dormer would be similar to the situation with the suggested fall-back position. I give the fall-back position significant weight.

**Conclusion and conditions**

9. I have considered the conditions in the light of the tests set out in paragraph 206 of the National Planning Policy Framework and the Planning Practice Guidance. I have imposed a condition specifying the relevant drawings as this provides certainty. In order to protect the character and appearance of the area a condition is needed in respect of the materials to be used in the construction of the proposed extension.
10. For the above reasons and having regard to all other matters raised, I conclude that subject to the conditions set out above the appeal should be allowed.

*L Gibbons*

INSPECTOR