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## Appeal Decision

Site visit made on 16 October 2019

**by L Crouch BA (Hons) MSc IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 12<sup>th</sup> November 2019**

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**Appeal Ref: APP/Q1445/D/19/3236858**

**171 Braeside Avenue, Brighton BN1 8SP**

- 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 S Bothra against the decision of Brighton & Hove City Council.
  - The application Ref BH2019/01646, dated 3 June 2019, was refused by notice dated 21 August 2019.
  - The development proposed is 'alterations to roof - hip to gable extension with rear dormer and infill extension at ground floor; demolition of existing rear conservatory and erection of rear single storey extension'.
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### Decision

1. The appeal is allowed and planning permission granted for 'alterations to roof - hip to gable extension with rear dormer and infill extension at ground floor; demolition of existing rear conservatory and erection of rear single storey extension' at 171 Braeside Avenue, Brighton BN1 8SP in accordance with the terms of the application, Ref BH2019/01646 dated 3 June 2019, subject to the conditions set out below:
  - 1) The development hereby permitted shall begin no 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: 08-0419-04; 08-0419-05; 08-0419-06 and 08-0419-07.
  - 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.

### Application for Costs

2. An application for costs was made by S Bothra against Brighton and Hove City Council. This application is the subject of a separate Decision.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of 171 Braeside Avenue and the surrounding area.

## Reasons

4. The appeal property is a semi-detached chalet bungalow with a hipped roof, there are flat roofed dormer windows to the front and rear roof slopes, a single storey conservatory to the rear and single storey infill extension to the side. The area is predominantly residential and contains other similar chalet bungalows. Properties have a variety of roof forms, including hipped and gables, and there are numerous roof lights and flat roof dormers to the front and rear roof slopes. Dormer windows vary in size and design and include several examples to the rear, which stretch across the width of the roof slope, and were possible to see when stood within the rear garden of No 171.
5. The appeal site is seen in context with 173 Braeside Avenue, to which it is adjoined. 173 has a gable roof, a flat roof rear dormer window which stretches across the width of the roof slope and a flat roof single storey rear extension. Other flat roof dormer windows and single storey flat roof extensions are also seen to the rear of other nearby properties. Subsequently, the semi-detached pair appear very different to the front and rear. Due to the differences in roof shape, No 171 has an unbalanced and disjointed appearance to the rear when viewed alongside No 173. The Council has not objected to the proposed hip to gable alteration or the rooflight. I have not therefore considered these matters further.
6. The materials proposed for the rear dormer would be consistent with the existing and thus appropriate for the dwelling. The position of the dormer on the roof would correspond with the adjoined neighbour as well as others close by and there would be limited public views of it. It would extend onto a part of flat roof but not discernibly so. With these factors in mind, the dormer would not materially detract from, or be to the detriment of, the character and appearance of No 171 or the surrounding area.
7. The proposed single storey extension with its appropriate square proportions, limited public views to its rear positioning and subservient single storey height, would not appear harmful to the character and appearance of No 171 in this case, despite obscuring the rear elevation. This is also reinforced when seen in relation to the neighbouring flat roof single storey extensions on either side, which are of a similar scale and form.
8. I recognise that elements of the proposal are not fully in accordance with some of the principles set out in the accompanying Brighton and Hove City Council's Supplementary Planning Document 12 Design Guide for Extensions and Alterations 2013 (SPD), which seeks dormer windows of a subordinate scale to the host building. However, given the character and appearance of the wider area and existing number of such features to the rear, and along with the limited views, I do not consider the proposal to be significantly harmful in this case.
9. For the reasons given above, I conclude that the proposed development would not cause harm to the character and appearance of No 171 or the surrounding area. As a consequence, it would not be in conflict with Policy QD14 of the Brighton and Hove Local Plan 2005. This policy, amongst other things, seeks to ensure well designed, detailed and sited extensions and alterations which are appropriate to the property and to its surroundings.

10. The Council's reasons for refusal also references Policy QD27. However, this appears to relate more to neighbouring amenity which is not a contentious matter for the appeal and therefore I find it to be less relevant to the main issue.

### **Other Matter**

11. The Council has brought to my attention that the rear dormer window on the attached adjoining property appears to have been built without the benefit of planning permission. However, I consider the proposed dormer to also be acceptable because of its materials, positioning on the roof, limited public views and the strong visual relationship with numerous other dormer windows to the rear of other dwellings, which along with the dormer window at No 173, form part of the character of the area.

### **Conditions**

12. I have considered the suggested conditions in the light of the tests set out in paragraph 55 of the National Planning Policy Framework 2019 and the Planning Practice Guidance. In addition to the standard time condition, 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 in that they should reflect those used on the existing building.

### **Conclusion**

13. For the reasons and subject to the conditions set out above, I conclude that the appeal be allowed.

*L Crouch*

INSPECTOR