
Appeal Decision

Site visit made on 20 November 2019

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2019

Appeal Ref: APP/Q1445/D/19/3235959
206 Queens Park Road, Brighton BN2 9ZB

- 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 Mrs Ceri Wright against the decision of Brighton & Hove City Council.
 - The application, Ref BH2019/02201, dated 23 July 2019, was refused by notice dated 20 August 2019.
 - The development proposed is installation of rear dormer and front rooflights.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. In determining the planning application, the Council has amended the appellant's description of the proposal which read 'full width L-shaped dormer to main roof and outrigger roof of existing property'. The amendment has been adopted by the appellant on their appeal form, and so I have therefore used this in the banner heading above.

Main Issue

3. The main issue is the effect of the proposed dormer on the character and appearance of the host property and wider surrounding area.

Reasons

4. The appeal property forms part of a two storey, pitched roof, residential terrace, located on the southeast side of Queens Park Road. The period properties are of a traditional design with brick and rendered walls under tiled roofs. They feature two-storey, pitched roof, rear outriggers, which are set down from the main roof and positioned in a regular arrangement of symmetrical pairs. The appeal property and No.204 adjacent have retained their original simple uncluttered roof form, and matching adjoining outrigger projections to the rear.
5. The proposed L-shaped rear dormer would extend across the whole width and depth of the rear roof slope of the main roof. It would project above the ridge height of the rear outrigger and cover almost all of the outrigger roof slope of the appeal property, apart from a small setback above the eaves level. As a result of this scale, height and bulk, the dormer would comprise a visually over-dominant and discordant addition to the property, which would be at odds

with the simple, uncluttered roof slopes of the original terrace. The proposal would visually compete with, and detract from, the multi-potted chimneys and dividing parapets which are positive features of the original terrace roof. It would also detrimentally unbalance the existing symmetry of the adjoining pair of rear outriggers, with an incompatible, over-dominant addition to one half, which has no respect for the existing gently sloping roof form or ridge height.

6. The overall size and positioning of the proposed dormer window is such that it would amount to an additional floor of accommodation, comprising a flat-roofed form and incongruous design which would relate poorly to the existing roof form of the property, fundamentally altering its shape. The proposed contemporary zinc cladded walls would be incompatible with the traditional brick and render walls and tiled roofs characteristic of the terrace. The unsympathetic, top-heavy appearance of the dormer would be exacerbated by the large areas of blank wall around the window openings, and the vertical design of the zinc cladding seams would serve to draw attention to the height of the dormer. In addition, the contemporary window design, with grey powder coated frames and large single opening glazing would be out of keeping with the vertical timber sash windows characteristic of the original building. Accordingly, the proposal would have a materially harmful impact on the character and appearance of the host property.
7. When viewed from the properties to the rear and from St Luke's Terrace, the appeal proposal would appear as a bulky and discordant addition to the rear roof slopes, drawing the eye and detracting from the aforementioned positive roof features and rear symmetry of the building and terrace. In this respect, the proposal would materially harm the character and appearance of the wider area.
8. The appellant has drawn my attention to other existing rear dormers near the appeal site. During my site inspection, I observed a number of rear dormers of varying designs within the vicinity of the site, including to the rear of properties in Queens Park Road, and within the quadrant of properties within which the appeal site is located. I am not aware of the planning status of all of the nearby dormers, some of which may have been constructed under permitted development rights where related to single dwelling houses, and the circumstances in each proposal are likely to be different. I did however, observe that, within the appeal property terrace, the rear dormers tend to be located on the main roof slope rather than on the rear outriggers, and the L-shaped dormer I observed on a property to the rear of the appeal site does not extend above the ridge height of the outrigger. In any event, the fact that apparently similar dormers may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered the appeal proposal on its individual planning merits, and within the context of the character and appearance of the existing building and the immediate locality. The existence of other rear dormers in the area does not justify the harm that I have found for the reasons set out above.
9. The appellant has referred to a number of planning application and appeal decisions with respect to L-shaped dormers within the Council area. However, these decisions are not directly comparable to the current appeal, since they relate to certificate of lawfulness applications under Section 192 of the Town and Country Planning Act 1990 as amended (the Act) to establish whether planning permission is required for the proposed development.

10. The appellant asserts that the appeal proposal is an improved design over what could be developed under permitted development rights in accordance with The Town and Country Planning (General Permitted Development) Order 2015 (the GPDO), including the use of a more sustainable and visually aesthetic material of zinc cladding instead of tiles which are similar in appearance to those of the existing property. Reference is made to pre-application advice from the Council dated 16 July 2019, which was for a different scheme to the appeal proposal, and did not have the Council's support. Accordingly, the appellant advises that regard has been given to the permitted development rights available to the property and the Council's pre-application advice in designing the appeal proposal.
11. Notwithstanding this, no formal application for a certificate of lawfulness with respect to a rear dormer at the appeal property has been determined by the Council prior to the appeal planning application, and the determination of what could potentially be built under permitted development rights is not a matter for me to decide within the context of an appeal made under Section 78 of the Act. Whilst the appellant's response to the pre-application advice has been noted, including in respect of the design and materials of the proposed dormer, the Council's advice was given without prejudice to the outcome of any subsequent planning application. In any event, I am not bound by the advice given by the Council prior to the submission of the planning application, and it does not alter or outweigh my conclusion on the main issue.
12. For the above reasons, I conclude that the proposed dormer would cause significant harm to the character and appearance of the host property and the wider surrounding area. It would therefore be contrary to retained Policy QD14 of the Brighton and Hove Local Plan 2005 (LP) and Supplementary Planning Document 12 Design Guide for Extensions and Alterations 2013 (Design SPD). These, amongst other aims, require new extensions to be well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area, and use materials sympathetic to the parent building, and new dormers to be kept as small as possible and clearly be a subordinate addition to the roof, with no large areas of cladding either side of the window or below. For similar reasons, the proposal would also be contrary to Policies of the National Planning Policy Framework (the Framework) which seek to secure high quality design as set out in Chapter 12.

Other matters

13. Notwithstanding that the Framework encourages Local Planning Authorities to approach decisions in a positive and creative way, this is not unqualified, and would not address, or outweigh, the aforementioned harm that I have identified to the character and appearance of the appeal property and the wider surrounding area. The Framework confirms that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development (paragraph 124).
14. The benefits of using a sustainable construction material are acknowledged. However, these are not of sufficient magnitude to outweigh my concern with respect to the main issue.
15. Whilst I have given careful consideration to the appellant's need to extend the appeal property, I am mindful of the advice contained in Planning Practice

Guidance¹ that, in general, planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be material. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the LP, the Design SPD and the Framework.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR

² Paragraph 008 Reference ID 21b-008-20140306 – ‘What is a material planning consideration?’