
Appeal Decision

Site visit made on 26 February 2021

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2021.

Appeal Ref: APP/Q1445/W/20/3262033

93 Brading Road, Brighton BN2 3PE

- 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 D Farchy against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/00177, dated 18 January 2020, was refused by notice dated 3 July 2020.
 - The development proposed is the erection of a rear roof dormer and conversion from a single dwelling to two flats comprising one 2 bedroom, 3 person family unit and one 1 bedroom, 2 person unit (retrospective application).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a rear roof dormer and conversion from a single dwelling to two flats comprising one 2 bedroom, 3 person family unit and one 1 bedroom, 2 person unit (retrospective application) in accordance with the terms of the application BH2020/00177, dated 18 January 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: BR.01.03 (Pre-existing and as built elevations) and BR.01.03 (Proposed floor plans).
 - 2) The existing floor layouts and dormer extension shall be altered to accord with the approved plans within 6 months of the date of this decision.
 - 3) Within 6 months of the date of this decision secure cycle parking facilities for the occupants of, and visitors to, the development shall be provided in accordance with details first submitted to and approved in writing by the local planning authority. The approved cycle parking facilities shall thereafter be retained available for that use at all times.

Procedural matter

2. This is a retrospective application/appeal as the conversion works have already been carried out. The appellant has submitted 2 sets of amended plans following on from the refusal of the appeal application. I have assessed the potential consideration of these amended plans in line the court decision in the case of *Bernard Wheatcroft Ltd v Secretary of State for the Environment* [JPL 1982], which asks whether the development would be so changed by the amended plans that to grant it would deprive those who should have been consulted on the changed development of the opportunity of such consultation.

3. The first amended plan shows changes to the internal layouts for the flats, to meet concerns raised by the Council in the decision notice. Those alterations are minor internal changes which would not in themselves require planning permission, would have no outward effects and are not relevant to any neighbour objections. I am satisfied that no prejudice would be caused by considering this amended plan as part of this appeal.
4. The second amended plan would correct the height of the proposed rear dormer window to show it as built. This new plan shows the dormer about 0.5m higher than on the original plan. This would be an outward change that would increase the impact of the proposal on neighbours and on the character of the area, so that further public consultation would be required. I therefore cannot take this plan into account in making this decision. To that extent the appeal proposal is not retrospective, because the appeal plans do not show the dormer as built.

Main issues

5. The main issues are: (i) the adequacy of the living conditions that would be provided for occupiers of the proposed flats; and (ii) the effect of the proposal on the character and appearance of the building and the local area.

Reasons

Living conditions of occupiers

6. The proposal is for the conversion of a house into 2 flats. The Council's concerns on this issue were about the lack of a full bathroom on the ground floor for the 2 bedroom family flat and the size and arrangement of the second floor bedroom for the smaller flat. The amended plans that I have accepted for consideration now provide for a full bathroom and an increased bedroom.
7. The Council confirms that this revised scheme shows a layout that meets the requirements of policy HO9 of the Brighton & Hove Local Plan 2005 (LP). That policy specifically deals with the conversion of dwellings into smaller units and requires part of this provision to be suitable as family accommodation. This is relevant to the ground floor changes. The Council has not confirmed, however, whether the changes also meet its requirements in respect of LP Policy QD27, which seeks to ensure adequate amenity for proposed users. That element is relevant to the second floor bedroom alterations.
8. I firstly confirm that I agree with the Council that the revised plan showing provision of a full bathroom for the 2 bedroom flat would provide adequate living conditions for family occupation of that flat, in line with the Council's requirements. I also find that the revised proposal for the second floor now indicates an acceptable bedroom space with reasonable full height floor area and circulation space. This would be provided without undue effect on the other rooms in the flat
9. I conclude that, based on the revised floor plans submitted with this appeal, the proposed flats would provide adequate living conditions for future occupiers in accordance with the aims of LP Policies HO9 and QD27.

Character and appearance

10. The Council's concern in regard to this issue is that the rear box dormer would be out of character with the building and the wider area, so that it would cause harm to the roofscape and the appearance of the building. For clarity, I re-confirm that I can only consider the lower dormer as shown on the application plans, not the taller one as built.
11. The Council's Supplementary Planning Document 12 (SPD) *Design Guide for Extensions and Alterations* advises that 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. The SPD continues to say that dormer windows should be kept as small as possible and should clearly be subordinate additions to the roof, set appropriately in the roof space - well off the sides, ridge and eaves.
12. The proposed dormer would not take up the full width or height of the rear roof slope, leaving space to both sides as well as to the eaves and ridge. It would thus be inset in the roof as advised by the SPD, rather than dominating or replacing it. The dormer would not be seen from Brading Road and I could not find a view from Whippingham Road to the rear, either. Although it would be prominent in private views from houses on Whippingham Road, it would be seen in the context of other similar box dormer windows so would not look out of place or incongruous.
13. I conclude that the proposed box dormer would not harm the character or appearance of the building or the local area. It accords with the aims of LP Policy QD14 and the SPD, to ensure that extensions are well designed, sited and detailed.

Conditions

14. As the development has been implemented already, there is no need for the standard 3 year commencement condition. I impose a condition specifying the relevant plans to provide certainty. As some further work is needed to bring the development into line with the approved plans, a condition is required to ensure that work is carried out as planned. Finally, the provision of cycle parking on site is also necessary in the interests of sustainable transport.

Conclusion

15. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Les Greenwood

INSPECTOR