



Appeal Decision

Site visit made on 8 June 2021 by M Long

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2021

Appeal Ref: APP/Q1445/D/21/3273025

51 Exeter Street, Brighton BN1 5PH

- 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 T Ombler against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/03489, dated 27 November 2020, was refused by notice dated 29 January 2021.
 - The development proposed is the installation of a new roof to the existing rear infill extension and revised rear fenestration. Erection of an additional dormer to the rear outrigger roof and associated works.
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Decision

1. The part of the appeal that relates to the erection of an additional dormer to the rear outrigger roof and associated works is dismissed.
2. The part of the appeal that relates to the installation of a new roof to the existing rear infill extension and revised rear fenestration is allowed. Planning permission is granted for the installation of a new roof to the existing rear infill extension and revised rear fenestration at 51 Exeter Street, Brighton BN1 5PH, in accordance with the terms of the application, Ref BH2020/03489, dated 27 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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: AP/51/20/02 Rev A (revised 23 August 2020) and the site location plan only in so far as they relate to the installation of a new roof to the existing rear infill extension and revised rear fenestration.
 - 3) The materials to be used in the construction of the external surfaces of the proposed development hereby permitted shall match those used in the existing building.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

4. There is a discrepancy in the descriptions of development used within the documents submitted during the appeal process. I have included the

description used by the Council in the decision notice, which was also used by the appellant in the appeal form, in the interests of clarity.

5. The Council only raised substantive concerns with the additional dormer to the rear outrigger roof and not the remainder of the proposal, and I see no reason to disagree. The installation of a new roof to the existing rear infill extension and revised fenestration are severable from the additional dormer to the rear outrigger roof and associated works. I therefore recommend a split decision that will grant planning permission to the installation of a new roof to the existing rear infill extension and revised fenestration.
6. In addition to the standard time period for commencement, I recommend a condition requiring that development be carried out in accordance with the approved plans as this provides certainty. I also recommend a condition to ensure that matching external materials are used to preserve the character and appearance of the dwelling.
7. The remainder of this recommendation will focus on the proposed additional dormer to the rear outrigger roof and associated works.

Main Issue

8. The main issue is the effect of the proposed dormer on the character and appearance of the area.

Reasons for the Recommendation

9. The appeal site is a mid-terrace property with a two storey outrigger and modest rear courtyard. It has an existing dormer in its rear roof slope and a ground floor infill extension. The surrounding residential area is predominantly comprised of largely uniform terraces, many of these dwellings have rear dormers of which a limited number extend onto the outrigger roofs. In between the appeal terrace and the terrace located behind it are a number of bungalows that have created a close-knit and tight form of development in the area.
10. The proposed rear dormer would be joined to the existing dormer and would extend onto the outrigger roof. It would incorporate a flat roof and would be built from materials that relate to the host dwelling. It would not be visible from the Exeter Street streetscene, however it would be viewed from the rear elevations of neighbouring properties and from points along Cornish Mews.
11. Due to its large size and scale, the proposed rear dormer would appear as a top-heavy and unsympathetic addition to the host dwelling. Its flat roof design, in combination with the existing rear dormer, would cover the original roof form and give the appearance of an additional storey that would be detrimental to the character of the appeal property. While the proposed dormer would not be visible from the Exeter Street streetscene, it would result in a cluttered roofscape when viewed from the neighbouring sites.
12. The appellant has directed my attention to a number of properties in the surrounding vicinity that have rear dormers that extend onto an outrigger and which add considerable bulk at roof level. On the whole, however, the surrounding properties are free from such developments and so I do not consider there to be a significant precedent for the proposal, rather the appeal scheme would be further detrimental to the character of the area. In any case, each appeal scheme must be determined on its own individual planning merits.

13. Given the above, the proposed rear dormer would result in unacceptable harm to the character and appearance of the area. It would conflict with saved Policy QD14 of the Brighton & Hove Local Plan, adopted July 2005, which seeks to ensure development is well designed in relation to the host property and takes account of the character of the area. It would also conflict with the National Planning Policy Framework which seeks to prevent development of poor design.

Other Matters

14. Even if the proposal is similar to a scheme which could be permitted development, that is not before me. Moreover, the appellant has indicated that a permitted development scheme would not adhere to building regulations and as such it is unlikely that such a scheme would be constructed. I therefore give any potential fallback position limited weight.
15. The extended rear dormer would allow for additional space that would be a clear benefit to the appellant's family given their particular personal circumstances. This would, however, be a private benefit accruing to a single family home and as such only limited weight can be given to this. The private benefits would not outweigh the harm identified to the character and appearance of the area.

Conclusion and Recommendation

16. For the reasons given above, and having regard to all other matters raised, I recommend that in relation to the erection of an additional dormer to the rear outrigger roof and associated works, the appeal is dismissed. However, I recommend that in relation to the installation of a new roof to the existing rear infill extension and revised rear fenestration, the appeal is allowed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis a split decision is issued as set out in the formal decision.

K Taylor

INSPECTOR