

Appeal Decision

Site visit made on 10 February 2023

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th March 2023

Appeal Ref: APP/Q1445/W/22/3303334
158 Upper Lewes Road, Brighton BN2 3FB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Craig Dwyer-Smith against Brighton and Hove City Council.
 - The application, Ref. BH2022/01497, is dated 20 April 2022.
 - The development proposed is roof alterations including front rooflight and rear dormer to facilitate the creation of 1 No. additional bedroom to an existing (C4) property.
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Decision

1. The appeal is allowed and planning permission is granted for roof alterations including front rooflight and rear dormer to facilitate the creation of 1 No. additional bedroom to an existing (C4) property at 158 Upper Lewes Road, Brighton in accordance with the terms of the application, Ref. BH2022/01497, dated 20 April 2022 and subject to the following conditions:
 - 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this Decision;
 - 2) The development shall be carried out in full accordance with approved Drawing Nos. 01 & 02;
 - 3) Details and samples of the external materials for the development hereby permitted shall be first submitted to and agreed in writing by the Local Planning Authority.

Preliminary Matter

2. The description of the development on the application form does not accurately describe the proposal. I have therefore used the description on the appeal form.

Main Issue

3. The main issue is the effect of the proposed rear dormer on the character and appearance of the wider terrace of which it forms part.

Reasons

4. The Council's objection is that the proposed rear dormer would be of an excessive size and with inadequate setbacks from the ridge and eaves it would occupy most of the roof plane and dominate the roof profile. The horizontal
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emphasis of the glazing would also fail to complement the vertical proportions of the building and wider terrace and would give the property a top heavy and over-extended appearance.

5. However, on my visit I observed that although the rear of the building may be visible in private views from the rear windows and gardens of some of the houses in Park Crescent to the south east, there appear to be few if any nearby vantage points from the public realm.
6. To the limited extent that was possible, I saw that on the full length of the terrace and on other similar houses in the locality there appear to be other very similar roof extensions to that now proposed. The appellant's statement cites one of these as being at No. 118A which was allowed on appeal. Bearing in mind these similarities, I consider on balance that to the extent it is visible the appeal scheme would not draw the eye as being harmfully out of keeping with the host dwelling and its surroundings. The appellant also points out that any continuity of the terrace roofscape is already affected by Nos. 159 and 159A being a storey higher than No. 158 with a pitched roof.
7. A further consideration supportive of the proposal is the increased space that the loft conversion would provide in terms of larger rooms, together with improved sanitary facilities for the occupiers of this small HMO. From my inspection of the rooms of the HMO as currently used, I consider this would be a worthwhile improvement to the accommodation in the building and in turn in the city, albeit an incremental and modest change.
8. I have noted the Council's view that a slightly smaller dormer with an acceptable external appearance would be preferred, but after allowing for the staircase and landing I consider that it is the living space in the rooms of the HMO that carries greater weight in this case than any perceived harm from the larger dormer.
9. I acknowledge that the appeal scheme has some divergencies from the Council's revised SPD12 Design Guide for Extensions and I consider the decision on the appeal to be finely balanced. However overall, I conclude that in this particular context the proposal would be acceptable. As such it would not be in demonstrably harmful conflict with Policy DM21 of the Brighton and Hove City Plan Part Two 2022 and Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2021.
10. I shall therefore allow the appeal subject to conditions to (i) require the scheme to be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning and (ii) to require the Council's prior approval of the external materials to ensure a satisfactory appearance of the extension.

Martin Andrews

INSPECTOR