



Appeal Decision

Site visit made on 21 March 2023

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 20th April 2023

Appeal Ref: APP/Q1445/D/23/3315656

32 Hove Street, Hove, Sussex, BN3 2DH.

- 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 Harbilas Sagar against the decision of Brighton and Hove City Council.
 - The application Ref BH2022/03272, dated 18 October 2022, was refused by notice dated 10 January 2023.
 - The development proposed is for alterations to existing side and rear dormers.
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Decision

1. I dismiss the appeal insofar as it relates the erection of the side dormer. I allow the appeal insofar as it relates to the rear dormer and re-painting of elevations and grant planning permission for rear dormer and re-painting of elevations at 32 Hove Street, Hove, Sussex, BN3 2DH in accordance with the terms of the application, Ref BH2022/03272, dated 18 October 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) 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.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: 457/04 and 457/10A.
 - 4) The dwelling shall only be painted if the colour matches the adjoining property 30 Hove Street, thereby ensuring both halves of the semi-detached property are painted in the same colour.

Main Issue

2. I consider the main issue to be the effect of the proposed development on the architectural integrity of the host property, the street scene, the setting of locally listed buildings and thereby whether the proposal would serve to preserve or enhance the character or appearance of the Pembroke and Princes Conservation Area.

Procedural matters

3. The description of development set out on the application form relates to proposed alterations to existing side and rear dormers, constructed in July

2019 without planning permission. Accordingly, I will consider the design of the dormers before me and not just the proposed modifications to those that currently exist but do not benefit from planning permission.

4. Further, although not part of the description of the development set out on the original application form the Council refused to give permission for re-painting the property when issuing its decision notice, and the appellant has subsequently appealed the decision on the same bases. I shall therefore consider this as part of this appeal.
5. The application drawings show a roof window in the front roof slope. For the avoidance of doubt, from the evidence before me I note that this window was granted planning permission on appeal on the 22 June 2020 Appeal Ref: APP/Q14465/D/20/3247916. Accordingly, I shall not consider this element of the proposal further.

Reasons

6. The appeal property, 32 Hove Street, is one half of a semi-detached pair of dwellings with number 30, located in Pembroke and Princes Conservation Area. There is a second pair of semi-detached houses numbers 26 and 28 to the south. The conservation area is characterised by a variety of properties including, large modern flats. The two pairs of semi-detached houses are a positive feature in the conservation area and due to the width of the street are both prominent features.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designate heritage asset, great weight should be given to the asset's conservation.
8. *Rear Dormer:* the proposed rear dormer would be a simple modest flat roofed dormer. It would be set well in from the party wall line and the hip to the main roof. It would also be located well below the ridge line of the host property. Further, the proposed window would have the same proportions as the first floor window below.
9. For all these reasons, I consider that the rear dormer as designed would appear as a well-mannered typical vernacular addition to the host property and therefore would not be visually dominant. Accordingly, I do not consider that it would cause harm to the host property, the semi-detached pair and would therefore preserve the character and appearance of the conservation area.
10. The construction of the rear dormer would therefore comply with the objectives of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Framework and Policies CP12 and CP15 of the Brighton and Hove City Plan Part One (Adopted March 2016) (City Plan Part One) and DM18, DM21, DM26 and DM28 of the Brighton and Hove City Plan Part Two (Adopted October 2022) (City Plan Part Two) and Supplementary Planning Document - *Updated Design Guide for Extensions and Alterations*, January 2020 (SPD12) as they relate to the quality of development and the preservation or enhancement of the character or appearance of conservation areas.

11. *Side Dormer*: In contrast to the design of the rear dormer and the existing side dormer to number 26 the appellant proposes a sloping mono-pitched roof dormer.
12. As designed the verge of the roof to the dormer would be contained within the hip line of the main roof so that the bonnet hip tiles can be maintained. However, the dormer would by reason of width and the height of the cill line, just above the eaves line of the main roof, virtually fill the area of hipped roof. Further, it would when viewed from the street unbalance the semi-detached pair.
13. For the foregoing reasons I consider that the side dormer would appear as a large and bulky structure. It would dominate the original roof form and detract from the appearance of the property and the symmetry of the semi-detached pair. Accordingly, it would cause significant harm to the host property, the street scene and the setting of locally listed buildings opposite. It would thereby fail to preserve or enhance the character or appearance of the conservation area.
14. The Framework requires great weight to be given to the conservation of designated heritage assets, which include conservation areas. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits, including securing the optimum viable use.
15. The proposed development would provide some limited economic benefit. However, given the harm that has been identified I conclude that the public benefits would not outweigh this harm, or the conflict that it would have with the objectives of Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Framework and Policies CP12 and CP15 of the City Plan Part One and DM18, DM21, DM26 and DM28 of the City Plan Part Two and SPD12 as they relate to the quality of development and the preservation or enhancement of the character or appearance of conservation areas and the setting of locally listed buildings.
16. *Redecoration*: Very limited evidence has been submitted in respect of this element of the development. However, at the previous appeal (Ref: APP/Q1445/D/20/3247916) the Inspector found that a difference in colour between number 30 and 32 would cause harm. From what I have seen and read and more particularly as numbers 30 and 32 are but individual halves of the same semi-detached pair of houses I would not form a contrary view.
17. At appeal the Council has advanced a condition for my consideration if I am minded to allow the appeal. To my mind this would seem to address this matter. It proposes that number 32 can be repainted if the colour matches that of the adjoining neighbour. The proposal would therefore, subject to condition, accord with the aims of Policies CP12 and CP15 of the City Plan Part One Policies DM18, DM21, DM26 of the City Plan Part two and SPD12 as they, amongst other things, require the preservation or enhancement of the character or appearance of conservation areas and the setting of locally listed buildings.

Other Matters

18. As identified by the appellant I noted on my visit that there are examples of dormers on similar properties in the conservation area. Whatever the background to those cases, the existence of dormer additions nearby is not an appropriate justification for permitting the side dormer here, which I have considered on its own planning merits.

Conclusions

19. I have found that the rear dormer, and subject to condition the repainting of the property would be acceptable and therefore would comply with the various Development Plan policies, local and national guidance and statute. However, the proposed side dormer would not.
20. Whatever the second-floor layout, currently accessed by the stair under to the side dormer, I consider the rear dormer is separable and a split decision may, subject to conditions, be issued in this case.

Conditions

21. The conditions follow from those suggested by the Council. To ensure a high quality development, I shall include a condition about the materials to be used in the construction of the external surfaces of the rear dormer. Further, to ensure a satisfactory appearance in the interests of the visual amenity of the area I shall condition the redecoration of the dwelling.
22. In the interests of certainty, I shall impose a condition requiring the development to be undertaken in accordance with the approved plans.

Overall Conclusions

23. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed in part and dismissed in part.

Philip Willmer

INSPECTOR