



Appeal Decision

Site visit made on 2 August 2023

by Andy Harwood CMS MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2023

Appeal Ref: APP/Q1445/C/23/3318372

46 Grange Road, Hove BN3 5HU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Samuele Scodreggio against an enforcement notice issued by Brighton & Hove City Council.
- The notice was issued on 9 February 2023.
- The breach of planning control as alleged in the notice is: Without planning permission alterations to main roof including raising of ridge height, installation of rear dormer and front rooflights with associated new roof tiles and cladding.
- The requirements of the notice are to:
 1. Remove the rear dormer from the roof.
 2. Return the ridge height, eaves height and front roof slope of the main roof to its pre-existing height and appearance as shown in appendix 1.
- The period for compliance with the requirements is: 18 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely alterations to main roof including raising of ridge height, installation of rear dormer and front rooflights with associated new roof tiles and cladding at 46 Grange Road, Hove BN3 5HU as shown on the plan attached to the notice.

Preliminary Matters

2. The notice was issued after the adoption of the Brighton & Hove City Plan Part Two on 20 October 2023 (Part Two Plan) which the Council has confirmed means that Policy QD14 of the Brighton and Hove Local Plan 2005 no longer holds any weight. I have interpreted this advice as meaning the 2005 plan has been superseded.

The Appeal on ground (a)

Main Issue

3. The effect of the development as alleged on the character and appearance of the building and surrounding area.

Reasons

4. The dwelling at No 46 Grange Road is a terraced property within a road that is

dominated by similar, tight-knit terraced dwellings in a primarily residential area. The gentle slope of the road along Grange Road result in the dwellings presenting a graduation of roofs and associated features up the hill. Given that the dwellings front immediately onto the street, there are few interruptions of this traditional repetitive rhythm to the street. At the rear there is less unity in the appearance and design of buildings with non-original changes being obvious and also ground level structures interrupting views along the terraces.

5. Looking from the front, on the side of the road including the appeal property, the general graduation of features such as windows, facias, ridgelines, chimneys and party walls protruding above the roof-slopes is generally a characteristic of the street-scene. That is the case even though there is no complete unity in the appearance of the dwellings with substantial variation in window and door styles and the arrangement of rainwater goods.
6. The level of the graduation up to the adjoining property at No 48, is less pronounced than on some of the other properties in the road. The photograph of No 46 taken prior to the roof alterations (as appended to the notice) shows that the party wall at roof level was very pronounced between those 2 dwellings and the depth of the fascia matched those on both adjoining properties. Even though the party wall is now less pronounced due to the front roof slope being higher, it is not obvious from the street that this has been due to a recent alteration to the building. It takes a degree of comparison between the 'before' photograph and what is on site now to realise that there has been a change. When approaching from down-hill (from the direction of Portland Road), the party wall along with the chimneys between No 44 and the appeal site largely screen the change and even from the front, the change in my opinion is not obvious or inharmonious with the general street-scene. The deeper fascia has made a difference as it presents a more prominent amount of the flat-white material which is not hidden by the gutter. As with the addition of the roof-lights, this has however been a minor overall change to the appearance of the dwelling.
7. At the rear, the large dormer covers much of the rear roof-slope and the ridge has been made higher. The 2-storey rear extensions at the property reduce the views of the dormer from close-quarters and may also interrupt views from further along the terrace. Furthermore, there are a number of large roof dormers along the rear roofs of the nearby dwellings. I acknowledge what the Council says regarding the circumstances for some of those alterations that may not have required full planning permission and also that the present case has to be assessed on its individual planning merits. However, those other roof-dormers do influence the varied character and appearance of the area surrounding the site. As such, those other changes do help to set the context for the present case and whilst there are not so many that their influence overrides other elements of the character and appearance of the area, the rear elevations of the buildings nearby do have a substantial degree of variety. This and the interruptions at ground and first floor level which obscure clear views along the rear of the terrace reduce the impact.
8. The Council's Updated Design Guide for Extensions and Alterations¹, (SPD) advises, amongst other things that as a rule, rear dormers should be appropriately set in from the side, set down from the ridge and set up from the

¹ Updated Design Guide for Extensions and Alterations, Supplementary Planning Document, January 2020

eaves so as not to appear as an additional storey or appear “top heavy”. This is a material consideration and helps to inform how Policies from the Brighton & Hove City Plan, Part One (Part One Plan) and the Part Two Plan should be interpreted.

9. There is a gap between the base of the dormer and the eaves line of the roof. Although the ridge has been extended upwards, I consider that this does give an impression that the original ridge of the roof is retained, in particular because of the way in which the change in ridge line is so difficult to perceive from the ground because it is discretely positioned within the party walls and next to the chimneys on one side.
10. The SPD advice does not provide prescriptive requirements or dimensions and is a useful guide to assist in explaining the factors that will normally be taken into account. In some respects, it clearly does comply with parts of the guidance such as having windows that align with those below. Although the structure is not set in much from each side of the roof, the impact of this is limited due to some of the factors I have mentioned above but particularly due to the retained party walls. Given the circumstances of this development, I do not consider that this dormer appears as a top-heavy structure. It does clearly give away the fact that it is enabling the provision of an additional storey but overall this does not have a harmful impact particularly in an area where such developments have become common part of the rear roof-scene.
11. In relation to the main issue, the development has a satisfactory effect on the character and appearance of the building and surrounding area. The development reasonably raises the standard of design and is scaled and detailed in relation to the property that has been extended. Part One Plan Policy CP12 and Plan Part Two Plan Policy DM21 are complied with.

Other matters

12. I agree with the Council’s assessment that the windows in the rear of the dormer window do not cause a harmful increase in overlooking of neighbouring properties given that there is inherently a degree of intervisibility in this area between windows and also over garden areas. As such I am not attaching planning conditions relating to the type of glazing and it is not necessary to attach other conditions given that the development appears largely completed.

Conclusion

13. Having had regard to the development plan as a whole and all other material considerations, I conclude that the development is acceptable. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice.

Andy Harwood

INSPECTOR