



Appeal Decision

Site visit made on 6 November 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2023

Appeal Ref: APP/Q1445/D/23/3328910

6 Sunnydale Close, Brighton, BN1 8NS

- 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 Mrs A Parker against the decision of Brighton & Hove City Council.
 - The application Ref. BH2023/00901, dated 24 March 2023, was refused by notice dated 13 June 2023.
 - The development proposed is roof alterations including raising the roof ridge height, hip to gable extension, installation of rear dormer and 2no front rooflights and 1no side rooflight.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The reason for refusal (Informatives) and the Council's Delegated Report refer to the National Planning Policy Framework July 2021 (Framework), but since then the Framework has been revised, in September 2023. However, the Council have only referred to the paragraphs in section 12 of the Framework and those remain unchanged in the September 2023 version.
3. The description of development on the Application Form is different to that on the Decision Notice, and I have adopted the latter as this more accurately describes the proposal.
4. In response to a query raised by the Council I understand the Appellant served, on 24 March 2023, a Certificate B on the owners of the adjoining property, 4 Sunnydale Close (No.4). This was required as the proposed alterations encroached over the centre of the party wall between the two properties. However, included with the Appellants Grounds of Appeal (GOA) were revised plans that showed the ability to accommodate the proposal by not encroaching over the centre of the party wall. Whilst the GOA did not request that these plans be substituted for those originally submitted, I have considered them on that basis.
5. Whilst the occupiers of No.4 raised no objections, in principle, to the proposal, they raised concerns over the proximity of the new rear dormer to the boundary of their property and whether this would allow sufficient access for maintenance. Even so, having compared the original plans with the revised plans, the latter show, in my view, material changes to the original scheme. These changes have not been advertised and interested parties have not been

given a further opportunity to comment. Similarly, the Council have not had the opportunity to comment on these changes. As the appeal was submitted through the Householder Appeals Service this process does not provide either interested parties or the Council with a further opportunity to comment on or to be consulted on revised plans.

6. In view of this and in applying the 'Wheatcroft Principles' (*Bernard Wheatcroft Ltd v SSE* [JPL 1082 P37]), the determination of this appeal on the basis of the revised plans would prejudice the interests of interested parties as they have not been consulted on or had an opportunity to comment on the revised plans. Similarly, the Council has not had an opportunity to comment on these revised plans. It is essential that the appeal process is fair and open to all parties. For the above reasons, I find that my consideration of the appeal should relate to the plans that were originally considered by the Council and formed the basis of their decision to refuse planning permission.
7. I have, therefore, proceeded to determine the appeal on the basis of the original plans.

Main Issue

8. The main issue is the effect of the proposed development on the character and appearance of the host property and surrounding area.

Reasons

9. The appeal site is located on Sunnydale Close a small cul-de-sac of largely semi detached single storey bungalows with a mixture of traditional pitched and hipped roofs. The host property forms, with No.4, a pair of semi detached bungalows whose roof forms and profiles appear relatively intact and as originally built. As I observed on site, the Close slopes upwards to the north and as such the host property sits at a higher level to No.4 and at a lower level to 8 Sunnydale Close (No.8) (located to the north of the appeal site).
10. A number of properties in the Close have been altered and extended at roof level to provide additional living accommodation, secured through hip to gable extensions, new dormers and other alterations to the ridge line. A good example is No.8, which appears to have had a hip to gable extension and a dormer window installed on the rear elevation. Even so, as the other semi that it forms part of sits at a higher level, the overall ridge height of No.8 remains similar to that of its neighbour. However, I also agree with the Council that a number of the roof alterations are of a poor quality in terms of their design and appearance, and some include flat roof crowns on or above the ridge line that appear as awkward and haphazard additions to those properties.
11. The Council have raised concerns in relation to the new dormer on the rear roof elevation and I agree with them that this dormer is large. However, as the new dormer would be sited at the rear, where there would be limited public views and as my attention has not been drawn to any adopted design guidance on dormers that this aspect of the proposal would conflict with, on balance, I consider the proposed dormer to be acceptable.
12. Turning to the increase in ridge height and new hip to gable extensions, I concur with the Council findings that these elements would result in an incongruous addition to the host property that would be out of keeping with its design and harmful to the character and appearance of the streetscene. The

proposed south facing gable end would result in an awkward and abrupt relationship with the roof profile to No.4. That impact would be accentuated by the increase in ridge height and the fact that the host property sits at a slightly higher level to No.4. This aspect of the appeal proposal would be prominent and highly visible within the streetscene, and would unbalance the symmetry of this pair of semis, in particular their roof forms. That impact would be further compounded by the proposed flat roof crown, which would also be visible from various public vantage points, including on Sunnydale Avenue to the south.

13. Overall, by extending well above the existing ridge line and altering the roof from hip to gable ends, the proposal results in a development that would be overly obtrusive within the streetscene and harmful to the built rhythm of the existing roofscape to the host and its neighbour No.4. This aspect of the proposal would not be subordinate or proportional and would not result in a sympathetic extension to the host or to this part of the streetscene. As such, this aspect of the proposal would not sit comfortably on the appeal site.
14. Whilst I accept that there are examples of other roof alterations in the Close, as I mentioned earlier, most of these are of a poor quality and do not represent examples of good design or of high quality architecture. The latter may be due to the fact that they were constructed under permitted development. Even so, their existence does not provide any justification for the appeal proposal. The Appellant suggests that some of these examples were approved by the Council but I have not been provided with any substantive evidence to support that statement and neither have I been provided with any planning background that would enable me to compare any such approvals with the appeal scheme.
15. Reference has also been made to the potential fall-back option arising from permitted development rights. However, I have not been provided with a scheme to demonstrate what that fall-back option might comprise and how it would compare to the appeal scheme. Moreover, within the context of an appeal submitted under section 78 of the Town and Country Planning Act 1990 I can only consider the proposal that is before me and for which planning permission is sought. Whether or not any other options exist under permitted development is not a matter that is before me or a matter on which I can reach any finding.
16. Accordingly, I find that the proposed raising of the ridge height and hip to gable extensions would result in significant harm to the character and appearance of the host property and surrounding area contrary to policy CP12 of the Brighton & Hove City Plan Part 1 (March 2016), policies DM18 and DM21 of the Brighton & Hove City Plan Part 2 (October 2022) and paragraphs 130 and 134 of the Framework. These policies seek to ensure, amongst other requirements, that new development is of a high quality of design and raises the standard of architecture and design in the City, and is well designed, sited and scaled in terms of height, form, mass and vertical and horizontal rhythm.

Conclusions

17. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR