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# Appeal Decision

Site visit made on 9 May 2024

**by Michael Evans BA MA MPhil DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 June 2024**

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**Appeal Ref: APP/Q1445/D/24/3341118**  
**3 Windmill Street, Brighton BN2 0GN**

- 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 Carl Brooks against the decision of Brighton and Hove City Council.
  - The application Ref BH2024/00177, dated 22 January 2024, was refused by notice dated 18 March 2024.
  - The development is the erection of a single storey infill extension to the rear, rear dormer, front roof light and associated works.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey infill extension to the rear, rear dormer, front roof light and associated works, at 3 Windmill Street, Brighton BN2 0GN, in accordance with the terms of the application, Ref BH2024/00177, dated 22 January 2024, subject to the following conditions:
  - 1) The development hereby permitted shall be completed in accordance with the following approved plan: P.01.
  - 2) Unless within 6 months of the date of this decision the rear dormer is faced with hanging tiles to match those used on the roof of the existing dwelling and ridge tiles installed on the main roof, in accordance with the approved drawings, the development works hereby permitted shall be removed and all equipment and materials brought onto the land for the purposes of such development shall be removed.

## Preliminary matter

2. A scheme permitted by the Council in 2019 was not built in accordance with the approved drawings. Alterations have subsequently been made to this and the application the subject of this appeal proposes further changes, including the replacement of UPVC plastic cladding with hanging tiles on the rear dormer and the installation of ridge tiles on the main roof where there are currently none. The scheme is therefore part-retrospective.

## Main issue

3. The main issue in this appeal is the effect on the character and appearance of the locality with regard to the rear dormer.

## Reasons

4. The appeal concerns a two storey dwelling in a terrace characterised by similar properties. The rear dormer addition the subject of this appeal has already been built but must, nevertheless, be considered on its own merits.
5. I acknowledge that this flat roofed extension covers the entire rear roofslope of the host dwelling leaving no gaps above, below or to the sides. However, it does not project above the main roof. Importantly, within the host terrace there are a significant number of fairly similar large and bulky roof additions at other properties. I saw at my site visit that such features are predominant in the roofscape at the back of the terrace. There is also a particular cluster of such development nearby to the appeal site particularly closely related both physically and visually, including at No. 5 Windmill Street.
6. It is proposed to change the facing materials to be hanging tiles and ridge tiles. This would better integrate the dormer with the existing roof and reflect the approach taken with many of the other existing dormer windows along the terrace. It would also ensure the removal of the somewhat unsightly cladding. These works could be secured by condition.
7. The development is relatively prominent as it is readily seen from Sussex Street and Turner Road, as well as the footpath to the rear and in Tilbury Way. However, it is seen in the context of the similar adjacent dormer additions so that there is no adverse visual impact. Therefore, the extension does not appear as an overly dominant and unsympathetic addition of excessive scale. Rather than appearing as an incongruous and top-heavy addition, it is compatible with its context.
8. Therefore, for the above reasons, there has been no harm to the character and appearance of the locality with regard to the rear dormer. The dormer therefore complies with Policies DM18 and DM21 of City Plan Part Two 2022 and Policy CP12 of the Brighton and Hove City Plan Part One 2016. Among other things and taken together, these intend that development makes a positive contribution to the sense of place and is of a high standard of design while taking account of the existing character of the area.
9. In accordance with s38(6) of the Planning and Compulsory Purchase Act 2004 (as amended), the development must be considered against the Development Plan, unless material considerations indicate a decision should be made otherwise. In this instance, I have found no harm to the character and appearance of the area and therefore the development complies with the Development Plan, when considered as a whole.
10. The Council's Supplementary Planning Document SPD12 design guide for extensions and alterations is an important material consideration. The SPD states that box dormers using the full height and width of the roof are inappropriate and will not be permitted. However, the particular circumstances of this case include the chimney stacks to each side providing some visual containment and serving to alleviate the bulk of the addition. I therefore place limited weight on this consideration which does not indicate that I should make a decision otherwise than in accordance with the Development Plan.

### **Conditions**

11. The condition referred to above requires removal of the development in the event of the alterations not being carried out to provide enforceability because the dormer has already been erected. Because the development has not been completed a condition specifying the approved drawings is also needed to provide certainty.

### **Conclusion**

12. For the reasons above, the appeal is allowed.

*M Evans*

INSPECTOR