



Appeal Decision

Site visit made on 23 July 2012

by R McCoy BSc MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 August 2012

Appeal Ref: APP/Q1445/D/12/2177206

21 Chichester Drive West, Saltdean, Brighton, BN2 8SH

- 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 M Burnage against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/03339 was refused by notice dated 28 March 2012.
 - The development proposed is 2 storey rear extension and addition of rear dormer to existing loft conversion.
-

Procedural matter

1. The National Planning Policy Framework (the Framework) was published in March 2012, shortly before the appeal was made. Although the parties were given the opportunity to comment on any relevant implications of the Framework to their cases, no responses were received within the prescribed timetable.

Decision

2. I dismiss the appeal insofar as it relates to the erection of a rear dormer to the existing loft conversion.
3. The appeal is allowed insofar as it relates to the erection of a 2 storey rear extension and I grant planning permission for the erection of a 2 storey rear extension at 21 Chichester Drive West, Saltdean, Brighton, BN2 8SH in accordance with application Ref BH2011/03339 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans (so far as relevant to that part of the development hereby permitted): drawing nos. 01, 02, 03, 04, 05, 06, 07, 08, 09, 10 and 11.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) Any access to the flat roof over the extension hereby approved shall be used for maintenance or means of escape and for no other purpose.

Main issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. No. 21 is a large detached house located in a predominantly residential area. It stands on a sloping site with the ground rising to its rear. Proposed are a 2 storey rear extension and a dormer window. In my judgement, the dormer window, because of its size, positioning and design would be an incongruous and prominent feature within the rear roof-slope of the dwelling. While I note the appellant's argument that the dormer would provide useable floor space to an area with limited headroom, I nevertheless consider that it would have a bulky appearance, occupying a considerable area of the rear roof-slope with large expanses of tiled cladding. It would not respect the proportions of the host building and would have a discordant effect on the existing roof form.
6. Consequently, it would conflict with the guidance contained in the Council's Supplementary Planning Guidance (SPG): *Roof Alterations and Extensions* which was adopted following public consultation and carries significant weight. This advises that dormers should be kept as small as possible with the overall width no wider than the windows below, there should be no large areas of cladding either side of the window or below it and the thickness of the dormer cheeks should normally appear to be little wider than, and be almost entirely concealed by, the face of the window frame. While the provisions of the SPG should not be applied prescriptively, the proposed dormer would significantly breach its advice.
7. I note the appellant's claim that other examples of imposing dormers are to be found in the locale although no specific examples were cited. In any event, the presence of existing dormers does not persuade me to allow a further development that I consider would be harmful to the character and appearance of its host building. Accordingly, with regard to the proposed dormer window, the development would conflict with saved Policy QD1 and QD14 of the adopted Brighton and Hove Local Plan 2005 (LP) and the advice in the SPG.
8. Concern was also raised that the proposed flat roof of the 2 storey rear extension would harm the character and appearance of the host building. However, the extension would be discreetly situated to the rear of the dwelling, projecting slightly beyond an existing rear outrigger. It would not be readily seen from the public realm, and would in my judgement, successfully integrate itself into the robust character of the existing building.
9. Furthermore, given the intervening distances, along with the marked change in level between the proposal and 38 Saltdean Drive, I concur with the conclusion in the Officer Report that there would be no harmful change in living conditions for the occupiers of this dwelling in respect of overlooking from the proposal.
10. Accordingly, with regard to the effect of the 2 storey extension on the character and appearance of the area and the effect of both the 2 storey extension and the dormer on the living conditions of the occupiers of 38 Saltdean Drive, I consider that the proposal would not conflict with saved LP Policies QD1, QD2 and QD14. Nevertheless, this consideration would not outweigh the other harm I have identified.

11. Having assessed the merits of the proposal and found the 2 storey extension to be acceptable but the dormer to be harmful, I consider that the two parts of the development are clearly severable as both would be physically and functionally independent. I therefore propose to issue a split decision in this case.
12. With regard to conditions, in addition to commencement time and ensuring the proposed 2 storey extension is erected in accordance with the approved plans in matching materials, I shall attach a condition relating to access to the flat roof of the extension as suggested by the Council, though I shall amend the wording to accord with the advice in Circular 11/95. These are necessary to ensure a satisfactory development.

Conclusion

13. In coming to this view on the proposal, I have noted the appellant's frustration with how the Council handled the application. In addition, I find in the absence of any substantive evidence to the contrary, that the development plan policies mentioned above are consistent with the Framework. Therefore, in the light of the facts of this case, consideration of the policies of the Framework does not alter my overall conclusion, which for the reasons given, is that the appeal should be dismissed in part and allowed in part.

Richard McCoy

INSPECTOR

