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# Appeal Decision

Site visit made on 3 April 2013

**by John D Allan BA(Hons) BTP MRTPI**

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

**Decision date: 11 April 2013**

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## **Appeal Ref: APP/Q1445/D/13/2190983**

### **19 Elvin Crescent, Rottingdean, Brighton BN2 7FF**

- 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 & Mrs Paul & Donna Stevenson against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/03536, dated 7 November 2012, was refused by notice dated 14 January 2013.
  - The development proposed is first floor roof extension.
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### **Application for Costs**

1. An application for costs was made by the appellants against the Council. This application is the subject of a separate decision.

### **Decision**

2. The appeal is dismissed.

### **Preliminary Matter**

3. The application plans show that an existing hipped roof would be extended to the side of the appeal property to form what has been described as a 'barn hip roof' and that dormers would be added to the front and rear roof slopes. However, the extensions to the side and rear have been annotated as works constituting permitted development and it was made clear that those elements did not form part of the original application proposal. This was accepted by the Council and is reflected in the officer's report and within their decision notice. I have therefore considered the appeal on this same basis.

### **Main Issue**

4. The main issue is the effect of the proposed front dormer on the character and appearance of the area.

### **Reasons**

5. The appeal property is a semi-detached bungalow set within a wider residential estate. Within Elvin Crescent there are other similar properties where front dormers of varying sizes and designs have been added. In some instances I saw that there were balanced additions to each pair of properties and in others
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- the additions had occurred to just one of the dwellings. However some alterations had been more successfully assimilated into the street scene than others. As such, I do not take the presence of other front dormers in the area to suggest that any such further alterations are necessarily acceptable, particularly having regard to the clear guidance that is offered by the Council on this matter in their approved Supplementary Planning Guidance Note 1 (SPG) entitled *Roof Alterations & Extensions* which was adopted in 1999.
6. The SPG states that roof extensions, including dormers, must respect and relate to the particular character of the building and that in areas where there are uniform groups of buildings, front dormers will not be permitted. It goes on to say that the presence of a small number of inappropriate roof alterations in the street will not be accepted as evidence of an established precedent or that where a group was originally designed without roof extensions or dormers, but over the years a majority of the buildings now have them, new extensions and dormers may be acceptable, provided that the new dormers conform to certain design criteria.
  7. Notwithstanding the additions that have occurred to some dwellings in the locality where the symmetry of some pairs of dwellings have been altered, by far the majority of dwellings do not have forward facing dormers. Indeed the appellants' own evidence points to the fact that only 7 out of the 26 pairs of dwellings in Elvin Crescent have dormers overlooking the street. In the nearby cases that do, the Council's officer's report identifies that these pre-date the SPG and current development plan.
  8. In this case, whilst the dormer would be positioned over a main ground floor window, it would be set close to the party wall with the attached neighbour and with a ridge that would match the ridge height of the main dwelling. In addition, the window casement would be surrounded on 3 sides by some substantial areas of tile cladding. As such, I find that, despite the set-back from the eaves line, its proportions would appear overly large and uncomfortable within the roofslope, particularly also having regard to the close relationship it would have with the hipped roof over the property's forward projecting wing. In this regard its size and appearance would fail to follow the detailed design criteria contained within the Council's SPG.
  9. Although the other proposed works to the side of the appeal property may restore some balance to this semi-detached pair of dwellings, owing to the roof alterations that have been undertaken to the side of No 17, the dormer would introduce a dominant feature that would noticeably affect the building's symmetry. This further adds to my overall concern that the front dormer would be inappropriately designed, sited and detailed in relation to the existing property and that it would appear materially harmful to the character of the street scene. It would therefore conflict with the aims and objectives of Policies QD1 *Design - quality of development and design statements*, QD2 *Design - key principles for neighbourhoods* and QD14 *Extensions and alterations* of the Brighton & Hove Local Plan 2005, as well as a core principle of the National Planning Policy Framework 2012, which is to seek high quality design.
  10. The appellants have drawn my attention to two examples in the locality which they consider to be similar to the appeal proposal. The first relates to a

planning permission given in June 2012 for a front dormer to 25 Elvin Crescent (LPA Ref BH2012/01256). However, the Council has confirmed that in that case the permission was given only on the basis that the dormer would rebalance the semi-detached pair owing to an identical dormer that existed on the attached neighbour at No 27. The approach the Council took in that case was broadly consistent with advice within the SPG. In the other case, at 55 Meadow Close, planning permission was given on appeal in September 2012 for a street facing dormer (PINS Ref APP/Q1445/D/12/2181595). However, I have been given no precise details of that case, either in terms of the evidence that was presented to the Inspector, the size, design and setting of the dwelling, or the size and design of the proposed dormer. Therefore I am not persuaded that the circumstances in either of these cases are identical to those that are relevant to this appeal, which in any event I have considered on its own merits.

### **Conclusion**

11. For the reasons given, I conclude that the proposed front dormer would be harmful to the character and appearance of the area. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

*John D Allan*

INSPECTOR

