



Appeal Decision

Site visit made on 2 December 2014

by R J Marshall LLB DipTP MRTPI

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

Decision date: 31 December 2014

Appeal Ref: APP/Q1445/A/14/2226266
22 Lennox Road, Hove, East Sussex BN3 5HY

- 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 Miss R Johnson against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/01650, dated 20 May 2014, was refused by notice dated 13 August 2014.
 - The development proposed is rear dormer window and single front roof light to existing first floor flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal property is an attractive 2 storey Victorian style terraced house. It lies within an area containing many similar types of houses. As with most houses nearby the appellant's house has a 2 storey extension to the rear which is most likely part of the original house. On the appellant's property, along with some others the extension has a flat roof.
4. The appeal building is converted into 2 flats. The appellant occupies the top flat which contains a kitchen, bathroom, bedroom and living room. It is proposed to provide an additional bedroom with an en-suite bathroom above this in the roofspace. To provide the necessary light and space a small roof-light is proposed in the front roofspace and a large dormer to the rear. The rear dormer would extend almost the full width of the property and in height it would extend from around gutter level to approximately ridge height.
5. The Council has no objection to the proposed roof-light. Correctly so as it is sufficiently small and unobtrusive as to have no material impact on the roofslope. The same cannot be said of the proposed dormer window at the rear. This is so substantial that it would be a structure of excessive bulk and would create an unacceptably top heavy appearance to the building.

6. Being at the rear of the property the proposed dormer window would not be seen from public vantage points. Nor given the screening effect of the existing 2 storey extension would it be greatly visible from many gardens at the rear of the terrace. However, it would be seen from the first floor rear windows of nearby houses in the terrace at the rear of the appeal site. The existence of such viewpoints would be sufficient to cause the proposed dormer to detract from the character and appearance of the appeal building and surrounding area.
7. The appellant refers to the High Court judgement *Boroughs Day v Bristol City Council* in support of his view that the dormer would not be sufficiently visible to warrant refusal. However, this decision was determining whether a proposal constituted development under the Planning Acts. It thus has limited if any material relevance to the case before me.
8. The appellant has referred to there being quite a large number of full width dormers in the area. Indeed there are some close to the appeal site and I saw one possibly under construction further afield. However, no evidence has been given on the planning background to these cases. And in any event, from the appellant's submission, substantial areas remain free of such development including houses in the immediate vicinity to the north of the appeal site and most of the terrace to the rear. Thus the existence of these dormers does not justify the proposal before me.
9. I fully appreciate the appellant's wish for improved living accommodation. I have taken account also of the presumption in favour of sustainable development in the National Planning Policy Framework. This document sets out 3 dimensions to sustainable development: economic, social and environmental. The appellant is correct to assert that in some respects the proposal would accord with elements of all 3 of these dimensions. However, by harming the character and appearance of the area it would conflict with the environmental role's requirement that new development should protect the built environment. I find this decisive.
10. It is concluded that the proposed development would harm the character and appearance of the surrounding area. It would conflict with Policy QD14 of the Brighton and Hove Local Plan 2005 which requires extensions to properties to be well designed and sited in relation to the property to be extended and have regard to the character of the area.

Conclusion

11. For the reasons given above the appeal should be dismissed.

R J Marshall

INSPECTOR