



Appeal Decision

Site visit made on 5 November 2010

by Sheila Holden BSc MSc CEng TPP MICE MRTPI FCIHT

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

Decision date: 15 November 2010

Appeal Ref: APP/Q1445/D/10/2137323
17 Cobden Road, Brighton BN2 9TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr B Harris against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/01622, dated 20 May 2010, was approved on 23 July 2010 and planning permission was granted subject to conditions.
 - The development permitted is recovering of existing roof and raising of ridge height by 400mm.
 - The condition in dispute is No 3 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension or enlargement of the roof of the dwelling house other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
 - The reason given for the condition is: The Local Planning Authority considers that further development could cause detriment to the character of the dwelling house and the surrounding area and for this reason would wish to control any future development to comply with Policy QD14 of the Brighton & Hove Local Plan.
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Decision

1. I allow the appeal, and vary the planning permission Ref BH2010/01622 for recovering of existing roof and raising of ridge height by 400mm at 17 Cobden Road, Brighton, BN2 9TL granted on 23 July 2010 by Brighton & Hove City Council by deleting condition No 3.

Procedural matter

2. The Council described the proposal as recovering of existing roof and raising of ridge height by 400mm. I have used this description in my determination of the appeal.

Main issue

3. The main issue is whether the condition is reasonable and necessary in order to protect the character and appearance of the host property and the surrounding area.

Reasons

4. Cobden Road is characterised by two-storey Victorian terraced properties with pitched roofs. The proposal to raise the ridge height of the roof of No 17 would bring it in line with the immediately adjoining properties and was therefore
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- approved by the Council, subject to a condition removing permitted development rights in relation to other alterations to the roof.
5. There is a sense of uniformity and rhythm to the appearance of the terraced houses in Cobden Road created by their rendered finishes and the bay windows. Roof lights have been inserted in a number of the front roof slopes. However, the pitch of the roofs means that they are not highly visible and therefore they do not adversely affect the street scene. In this context changes to the front roof slope of No 17 which could be carried out as permitted development would not give rise to changes which would be harmful to the surrounding street scene.
 6. No 17 has a very small rear garden from which it is not possible to view the ridge of the roof. No 16 has been substantially altered at the rear with a two-storey extension and the insertion of a large dormer window in the roof. Rear roof extensions have also been carried out to other properties on this side of Cobden Road, although they were smaller in scale than the changes to No 16. On my site visit I was able to see these from the rear garden of No 17 and also from the garden of No 16, which has substantially deeper plot. However, none of these roof alterations was apparent from the street itself.
 7. The land falls away behind Cobden Road towards Hampden Road and numerous rear dormer windows have also been inserted into the roof slopes of the houses in this street. It therefore seems to me that alterations to the roofs to provide additional accommodation in the loft space are a characteristic of this area which anyone living in either of these streets would view as a common feature of the rear elevations of this part of the urban fabric. No alterations to No 17 could be carried out as permitted development which would protrude above the revised ridge line which has been assessed as acceptable by the Council.
 8. Saved Policy QD14 of the Brighton & Hove Local Plan requires alterations and extensions to be high quality, respect their setting and not be harmful to the living conditions of adjoining occupiers. The Council only referred to the character of the house and the surrounding area in their reason for imposing the condition. According to Circular 11/95 permitted development rights should only be removed in exceptional circumstances. For the reasons given above I conclude these have not been met in this case and that removing permitted development rights in relation to further alterations to the roof would be neither reasonable nor necessary to protect the character and appearance of either the host property or the surrounding area.
 9. I therefore conclude that the appeal should be allowed and have varied the permission by deleting the disputed condition but retaining those relating to the standard time limit and matching materials.

Sheila Holden

INSPECTOR