
Appeal Decision

Site visit made on 8 July 2016

by Timothy C King (BA Hons) MRTPI

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

Decision date: 16 August 2016

Appeal Ref: APP/Q1445/D/16/3150084

11 Balsdean Road, Brighton, BN2 6PG

- 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 Mrs S Ashley against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/04453, dated 9 December 2015, was refused by notice dated 29 February 2016.
 - The development proposed is stated by the appellant as *'Increase in size and cladding to existing roof dormers (following the construction of roof dormers – we have been notified that the works do not comply Permitted development Class B as was assumed).'*
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development for which the appeal has been made is retrospective in that it has already taken place. Nonetheless, in determining this appeal I must treat the works undertaken as a development proposal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host dwelling and its surrounding area.

Reasons

4. The appeal dwelling is a detached bungalow with timber clad, flat-roofed dormer structures installed on its four roof planes although, whilst the front dormer constitutes a separate entity, the rear dormer wraps around to both side elevations, thereby attached to the both the flank roof extensions. The Council indicates that, prior to the works being carried out, tile hung dormers with uPVC fascia boarding existed on each of the four roof slopes. The modifications involved the front dormer being raised in height by 0.4m, the wrap-around structure erected to the rear and sides, with all four dormers being re-clad in cedar wood.
 5. A significant factor in this appeal is the extent of any permitted development entitlement available to the appellant or, in other words, any fallback position that needs to be taken into account as a material consideration. Both main
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- parties accept that the front dormer extension does not qualify in this respect and, although there is some common ground regarding the rear and side dormers, there is also a dispute as to their appearance relating to a particular proviso under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015.
6. Both parties agree that the rear and side dormers do not cumulatively amount to an additional volume of 50 cubic metres and, in terms of volume alone, the development is of insufficient size to warrant a requirement for planning permission. However, a further requirement is that the materials used in the exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. In this connection the appellant remarks that the use of the cedar wood cladding was assumed to meet permitted development as the timber gives a 'similar appearance' in colour and tone as the existing concrete tiles which weather and change colour when wet and dry. To this end the appellant comments that, similar to the concrete tiles, cedar cladding also weathers and changes grey and brown dependent on the weather and time of year. The Council, for its part, considers that the cladding used clashes with the existing tiled roof, the type of which is characteristic of the street.
 7. Notwithstanding any other Class B provisos which might be of relevance I must agree with the Council's assessment in this respect. Irrespective of the design and form of the dormer structures the cedar seemed to me to have weathered poorly and appears as anomalous to the street scene in general, particularly on the northern side of Balsdean Road. As such, I find that the proposal fails the legislative requirement and, in the absence of any proposal to re-clad the dormers in more sympathetic material, I must conclude that there is no fallback position currently available to the appellant.
 8. For development proposals relating to householder extensions such as this design advice is provided by the Council in the form of a Supplementary Planning Document (SPD12). Apart from perhaps the rear roof extension I do not consider that the front and side dormers, especially when taken together, represent subordinate additions to the roof. All three are readily visible from the street and, compounded by the general incongruity resulting from the cedar cladding, the proposal fails to accord with the general principles set out in SPD12.
 9. I have had regard to the fact that dormer structures were previously present at the bungalow but the modifications made have required that the planning merits, or otherwise, of the roof extensions, be assessed and I cannot agree with the appellant that the materials used have enhanced the appearance of the property. Indeed, more appropriate cladding would likely temper the current impact. Although the appellant mentions that the dormers are contemporary in style and materials I consider that the erection of such has not, in itself, brought about a cohesive, contemporary design approach.
 10. In light of the above factors I do not consider that this development is encouraged by Policy QD1 of the Brighton & Hove Local Plan (LP) in terms of constituting innovative and distinctive design. Instead, I am of the view that LP Policy QD14 is more pertinent indicating, amongst other things, that extensions and alterations should be well designed with regard to both the

property itself and its surroundings, requiring for the use of materials sympathetic to the parent building.

11. Finally, I have also had regard to the appellant's examples of other dormer roof extensions that exist within the locality. However, each development has its own particular characteristics which must be weighed against the respective individual circumstances. Whilst, therefore, the existence of such is a consideration it does not confirm the acceptability of the appeal proposal and does not outweigh the harm that I have identified has resulted from the development.
12. I thereby conclude that the development is harmful to the character and appearance of both the host dwelling and the surrounding area and this conflicts with the aims and requirements of LP Policy QD14 and also relevant guidance within SPD12.
13. For the above reasons, and having taken into account all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR

