



Appeal Decision

Site visit made on 17 March 2009

by **Phil Grainger** BA(Hons) MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
7 April 2009

Appeal Ref: APP/Q1445/A/08/2086989 518 Falmer Road, Brighton BN2 6LH

- 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 Ms S Lopez against the decision of Brighton & Hove City Council.
- The application ref: BH2008/01918, dated 1 June 2008, was refused by notice dated 12 August 2008.
- The development proposed was described as a roof conversion to provide further accommodation.

Decision

1. I allow the appeal, and grant planning permission for the development described above (which includes raising the height of the roof, changing its form and constructing a side dormer) in accordance with the terms of the application, ref: BH2008/01918, dated 1 June 2008, and the plans submitted with it, 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 dormer window shall be obscure glazed and shall be retained in that form.

Main Issue

2. The main issue is the effect on the character and appearance of the building and the surrounding area.

Inspector's Reasoning

3. The appeal property is one of a line of detached dwellings of varying size and design on the east side of Falmer Road, the B2123. The houses are set slightly below road level which itself slopes down to the south.
4. The proposal seeks to increase the height of the roof to facilitate the inclusion of living accommodation in it and to extend the roof rearwards in this form over a recently constructed rear extension that currently has a temporary flat roof. The height of the roof is less than in an earlier proposal and would now not exceed that of the adjoining house to the north. The Council consider this height to be acceptable in principle and I see no reason to disagree.
5. That said, the Council consider the detailed design of the roof to be incongruous and over bulky and appear to feel that it should have a fully hipped end rather than a half hipped one. However, the resulting building would, from the front at least, look very similar to the adjoining one (no. 516) following the relatively recent alteration of that property after planning permission was granted in 2003.
6. From both Falmer Road and the elevated area near the Woodingdean Primary School I found the current appearance of no. 516 wholly unexceptional and,

with the possible exception of the dormer, entirely satisfactory for its context which, as far as I am aware, has no special designation. Its main roof, which has a similar form to the proposed one, does not seem to me to be excessively large, bulky or overbearing in the streetscene. Moreover, the roof at no. 518 would if anything be less prominent, being screened from the south by no. 516 to a greater extent than that at no. 516 is by no. 514. There is also a significant amount of vegetation, some of it evergreen, in or around the front gardens of the properties along Falmer Road that would further restrict views of the altered building, especially from the north.

7. As for the dormer, whilst it may be as small as can be achieved if access to the new accommodation is to be provided in the manner and position proposed, it is still a relatively large structure with a flat top above 3 sloping sides. Were it not for no. 516 having a similar dormer I would have reservations about it. However, when the proposed dormer was seen it would almost inevitably be in the context of that existing one.
8. Moreover, as recently as 2003 the Council themselves must have regarded the dormer at no. 516 as acceptable. Whilst a new Local Plan has been adopted since then, Policies QD1 and QD2 are of a general nature and seek good quality design that is appropriate to its context; matters that have long been material planning considerations. In addition, it seems as though draft versions of those policies may already have been in existence; a version of Policy QD14, which deals more specifically with extensions, certainly was for it is referred to in the decision notice. In any event, and whether or not those policies have changed in any way, the Supplementary Planning Guidance that gives the most detailed advice on dormers and other roof alterations already existed and as far as I am aware has not been altered.
9. Taking all this into account I consider that the dormer would not make the roof appear so unbalanced, or be so contrary to local policy or guidance, especially given the extent to which it would be screened by no. 516, for this to be an overriding objection to the appeal proposal. In addition, the external materials are specified in the application and are also acceptable. I conclude that the building as altered would have an acceptable appearance and would not materially harm the character or appearance of the area or conflict with the policy and advice that deals with this, including Policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan. That is not, however, to say that a similar proposal would necessarily be acceptable elsewhere as each proposal needs to be dealt with on its own merits and having regard to its particular context.
10. I have had regard to all other matters raised. In particular I have noted the neighbour's concerns about overlooking, but I share the Council's view that any significant effects could be overcome by a condition relating to the glazing of the dormer window. Neither this nor any other matter is therefore, either individually or in combination, so significant as to affect my conclusions. For the reasons set out above and having taken all other material considerations raised into account I therefore conclude that the appeal should succeed.

P Grainger

INSPECTOR