



Appeal Decision

Site visit made on 3 April 2017

by **Clive Tokley MRTPI**

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

Decision date: 12th April 2017

Appeal Ref: APP/Q1445/D/16/3167443

1 Varndean Holt, Brighton, BN1 6QX.

- 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 John Skinner & Ms Sonia Mendoza against the decision of Brighton and Hove City Council.
 - The application Ref BH2016/05165 dated 31 August 2016 was refused by notice dated 26 October 2016.
 - The development proposed is conversion of loft space with dormers to front and rear, roof light to front and rear and window to side.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of loft space with dormers to front and rear, roof light to front and rear and window to side at 1 Varndean Holt, Brighton, BN1 6QX. The permission is in accordance with the terms of the application Ref BH2016/05165 dated 31 August 2016 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) With the exception of the detail of the link between the previously approved rear dormers indicated on the loft floor plan (drawing No PR.02) the development hereby permitted shall be carried out in accordance with drawing No PR.01 and drawing No PR.02. As regards the treatment of the infill panel between the previously approved rear dormers the development hereby permitted shall be carried out in accordance with drawing No PR.01.

Background to Appeal and Main Issue

2. On 7 July 2016 permission was granted for "Roof alterations incorporating dormers to rear, window to side and rooflights to front" (Council ref BH2016/01720). The officer report on that application refers to north and south facing dormers and a front dormer is shown on the approved drawings. I therefore conclude that whilst not referred to in the description that permission includes a front dormer.
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3. In most respects the appeal proposal is the same as that already permitted; the only difference is that it includes a flat-roofed link between the two rear dormers. The reason for refusal refers to "The proposed dormer" but reference to the officer report reveals that the Council's concern lies with the rear dormer.
4. The main issue is the effect of the proposed rear dormer on the character and appearance of the host building and the area.

Reasons

Character and appearance

5. No 1 Varndean Holt lies at the edge of a modern residential development. The house is at right angles to similarly designed dwellings in a cul-de-sac to the west. The gardens of those dwellings are adjacent to the side and rear boundaries of the appeal property. To its east side No 1 is bounded by an area of deciduous woodland within the grounds of a nearby school. The rear roof plane of the appeal property is visible from the rear gardens of the nearest dwellings and obliquely from the cul-de-sac in a narrow view between Nos 3 and 4 Varndean Holt. There is no other public view.
6. The proposed rear dormer would comprise two distinct gabled pitched-roof elements containing white windows to match the house. The windows within the dormer would align with those at first floor level and would be of a similar design. The dormer would be set below the ridge of the roof, well above eaves level and inset from the verge. The prominence of the gable roofed elements as compared with the narrower and lower link would not result in a "box dormer" and I consider that the envelope of the dormer would appear subordinate to the roof. In these respects therefore I consider that the proposal would accord with the guidance in the Council's *Supplementary Planning Document – design guide for extensions and alterations* (SPD12).
7. The detailing of the link is unclear; the Design and Access Statement (DAS) indicates that a window is proposed in the infill and this is indicated on the proposed loft floor plan (drawing No PR.02). However the elevation drawing (PR.01) indicates that the link would be clad in hanging tiles. The officer report and reason for refusal indicate that the Council's decision is based on the depiction of the proposal on the elevation drawing. In the absence of any detailing of the window there is no indication as to how it would appear in elevation. I am conscious that any third parties who may have viewed the application would most likely have relied on the elevation drawing.
8. Having seen the Council's interpretation of the proposal the appellants make no comment on the text of the refusal reason and therefore have not taken the opportunity to clarify the proposal. Taking account of the basis for the Council's decision and the most likely interpretation of any third parties I have determined the appeal on the basis that the link would be tile clad. If the appellants seek to amend the proposal to include a window they would need to make a further application to the Council.
9. The slightly-recessed tile-hung link between the dormers would be narrower than the dormers on each side. The application is not explicit but hanging tiles are referred to on drawing No PR.01 and the DAS indicates that materials to match the existing are proposed. The roof is clad in slate but I saw that hanging

tiles are used on the gable and cheeks of the existing front dormer and I have therefore determined the appeal on the basis that the link would be clad in tiles to match those on that dormer.

10. The white windows with the white bargeboards of the gables above would be much more prominent than the darker coloured tiled panel between them and I consider that to the casual observer from the very limited public view from Varndean Holt the link would be almost imperceptible. The link would be more evident from the nearest neighbouring gardens but it would have no harmful effect on the character or appearance of the host building or the area at the rear of the houses.
11. On this main issue I conclude that the proposal would not detract from the character or appearance of the dwelling or the area around it and would not conflict with Policy QD14 of the *Brighton and Hove Local Plan 2005*.

Other matters

12. A neighbouring occupier has raised concerns about overlooking, loss of light and the effect of lighting on her property. Taking account of the distance between rear of No 3 Varndean Holt and the front and rear dormers they would have no material effect on light reaching that property. The rear of No 3 is already overlooked to some extent from existing rear windows at No 1. The proposed rear dormer would be more distant from No 3 with a more oblique angle of view and would not result in a harmful increase in overlooking. I have no reason to conclude that the proposal would result in the generation of light that would result in sleep disturbance. In all of these respects the proposal would be no different from the extant permission which provides a fall-back position for the appellants and is a material consideration in this appeal.

Conditions

13. I have imposed the normal condition governing the commencement of development and, in order to ensure a satisfactory appearance, a condition requiring that the external materials match those of the house. As I indicate above there is an inconsistency within the drawings and I have resolved this within condition 3.

Conclusion

14. Taking account of all matters I have concluded that the proposal would not detract from the character or appearance of the host building or the area and that the appeal should succeed.

Clive Tokley

INSPECTOR

