
Appeal Decision

Site visit made on 19 September 2018

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th October 2018

Appeal Ref: APP/Q1445/D/18/3205377

40 Islingword Road, Brighton BN2 9SF

- 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 & Mrs Reid against the decision of Brighton & Hove City Council.
 - The application, Ref. BH2018/00463, dated 10 February 2018, was refused by notice dated 10 April 2018.
 - The development proposed is a loft conversion.
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Decision

1. The appeal is allowed and planning permission is granted for a loft conversion at 40 Islingword Road, Brighton in accordance with the terms of the application, Ref. BH2018/00463, dated 10 February 2018, 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 development shall be carried out in accordance with the following approved plans: OS Base Location Plan & Site Plan; Drawing No. Series S12030/: Plan Nos. 1; 2; 3; 4; 5; 6;
 - 3) 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.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host building.

Reasons

3. The Council's concern is that because the dormer would span almost the entire height and width of the rear roof slope and feature large areas of cladding it would harm the character and appearance of the host dwelling.
 4. The dormer would be slightly set in from the flanks of the rear roof plane, but with the building's ridge raised slightly to a height not exceeding that of its neighbour No. 41. The Council accepts that there would be limited visibility of the front roof slope and the proposed roof lights from the street and that neither would harm the appearance of the building and the street scene.
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5. Although the large box dormer would entirely change the roof profile at the rear, I consider it very unlikely that it would be seen from any part of the public realm, in this case Islingword Road and Hampden Road. Even if there were glimpses, the view would be dominated by the far higher roof of the double fronted property at No. 42. Given these circumstances, it is not surprising that the reason for refusal, unusually in decisions on planning applications, confines itself to a harmful effect on the character and appearance of the host building itself, rather than both that and its surroundings.
6. As the dormer would not be proportionate to the existing roof it is difficult to disagree with the Council's conclusion that it would be harmful to the character and appearance of the building, contrary to the Council's Design Guidance SPD12 and Policy QD14 of the Brighton & Hove Local Plan (retained policies March 2016). However, I must also have regard to all other material considerations in this case as well as this conflict with guidance and policy.
7. A large dormer (slightly smaller but not materially different) on the rear roof plane would normally be permitted development (PD), and indeed I note from the outlook in the rear garden of No. 40 that most of the terraced houses in Hampden Road have large box dormers on their rear roof slopes. However, PD rights were withdrawn in this case by a condition imposed on the 1995 permission for a change of use of the building from a shop to a dwelling.
8. This is documented in the officer's report and the reason given for the permission was '*The Local Planning Authority considers that the development hereby permitted is the maximum that can be allowed without causing detriment to the amenities of adjoining properties*'. The term 'amenities' normally relates to the living conditions of adjoining occupiers, for example outlook, privacy and the effect on daylight or sunlight. However, in refusing the appeal application the Council has not alleged that there would be any detriment in regard to such matters. And even if 'amenities' was intended to refer to the appearance of the area, in the form of visual amenity, the same applies because it is acknowledged that the dormer would not be visible as part of the street scene or seen from any other public vantage point.
9. Taking this into account, together with the fact that the building has no heritage status and is not in a conservation area, I consider the change from a two bedroom to a three bedroom house (and therefore family accommodation) that the dormer would allow outweighs the harmful effect on the building's character and appearance. Although the extra bedroom is of immediate benefit to the appellants, in the longer term a three bedroom family house is an addition to the city's housing stock. This is a very small and incremental improvement, but in this instance I consider that along with the other points it outweighs the irrelevant reason for the withdrawal of permitted development rights.
10. I shall therefore allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and in the interests of proper planning. A condition requiring matching external materials will safeguard visual amenity.

Martin Andrews

INSPECTOR