



Appeal Decision

Site visit made on 22 January 2019

by **Philip Willmer BSc Dip Arch RIBA**

an Inspector appointed by the Secretary of State

Decision date: 12 March 2019

Appeal Ref: APP/Q1445/D/18/3218362

226 Hangleton Road, Hove, East Sussex, BN3 7LP.

- 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 and Mrs Tony Biggs against the decision of Brighton and Hove City Council.
 - The application Ref BH2018/02421, dated 21 July 2018, was refused by notice dated 24 September 2018.
 - The development proposed is roof and dormer extension forming additional bedroom/en-suite accommodation, including internal alterations.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue to be the effect of the proposed development on the architectural integrity of the host property, the neighbouring property and the character and appearance of the area.

Reasons

3. The property the subject of this appeal, 226 Hangleton Road, is a semi-detached two-storey dwelling located alongside this busy road. The area is characterised by a mix of residential and commercial properties. As I observed the dwellings are of an eclectic mix of types, architectural styles and designs.
4. This pair of properties has a very distinctive three-dimensional form, including hipped and low sweeping roofs. Number 226 has previously been extended by the addition of, along with other things, a prominent wrap around flat roofed box dormer. However, the other half of the semi-detached pair, in terms of its three dimensional form, remains virtually as originally designed.
5. The appellants propose, along with other things and while retaining the box dormer at the front, to replace the existing hipped roof with a new gable end and half hip and to build a new large box dormer at the rear. In this arrangement the return side of the box dormer would be subsumed within the new roof addition.
6. The existing box dormer, due to its design, location at the hip and prominent position, has disrupted the form and massing of the host property and the pair of which it is part. However, because of its limited size and design the form

and character of the host building is still clearly legible. In contrast, the removal of the hipped roof and its replacement with the new gable wall and half hip roof form, as proposed, would add significantly to the bulk of the host property and would therefore serve to unbalance the pair of dwellings.

7. As stated by the appellants, the advice in the Council's SPD may well refer to the retention of the visual symmetry of semi-detached dwellings as a 'rule of thumb'. However, in this case I consider, despite the variety of building types and their form in the area, that the symmetry of this pair of semi-detached dwellings is an important design consideration in this context. Furthermore, for the reasons given I am not persuaded that the proposed scheme would be an improvement in the design of the host property as asserted by the appellants.
8. The proposed rear box dormer would extend in front of the existing and more modest rear dormer to be retained and spread partly across the flat roof of the existing single storey extension. It would thereby subsume the form of the existing rear of the dwelling. Accordingly, due to its scale and form in this context, I consider that it would also cause harm to the character and appearance of the host property, the semi-detached pair and the surrounding area.
9. I therefore conclude in respect of the main issue that the proposed development would cause significant harm to the architectural integrity of the host property, the semi-detached pair and thereby the wider area. To allow it would be contrary to saved Policy QD14 of the Brighton and Hove Local Plan 2005 (Adopted July 2005) and Policy CP12 of the Brighton and Hove City Council's Development Plan-*Brighton and Hove City Plan Part One* (Adopted March 2016) as they relate to the quality of the design of extensions and alterations in terms of the existing and neighbouring property as well as the surrounding area.

Other Matters

10. I do not disagree that that current proposed design is an improvement over that of the previous proposal. Nevertheless, in my judgement, for the reasons given I consider that this proposal would cause harm to the host property, the semi-detached pair of dwellings and the surrounding area.
11. The appellants have suggested, based on the Council's advice, that if the dormer were removed, the hip could be replaced with a gable under permitted development rights. However, no drawings or other supporting evidence has been submitted to clearly illustrate how such an extension would provide the necessary accommodation required by the appellants. Furthermore, the appellants have not demonstrated that such a scheme would in fact fall to be considered within Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2016.
12. For the above reasons I am not persuaded that there is a greater than theoretical possibility that the development might take place as indicated. Accordingly, in this case, I give the existence of the fallback scheme only limited weight in the planning balance.
13. The appellant has set out the particular circumstances of the family that justify the need for a separate bedroom. I acknowledge the health condition of one family member as outlined in the appellants' statement (including the email

from the doctor in Annex A). Given the sensitive nature of the health information supplied to me as part of this appeal, it would not be appropriate for me to outline the specific health condition of the individual concerned. However, on the evidence that is before me, I have no doubt that the proposal would be of benefit for the family member. This is a personal circumstance to which I afford weight in favour of the appeal. However, this must still be balanced against other material considerations.

14. Both parties have drawn my attention to a recent appeal decision (Ref: APP/Q1445/D/17/3180220 on a near by site. Whatever the circumstances surrounding that case I have considered this appeal on the individual merits of the proposal before me.

Planning balance and conclusion

15. I acknowledge the health issues associated with one member of the family. This is a matter which weighs in favour of allowing the proposed development. In considering this matter, I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and due to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
16. In respect of the above, these matters which have to be weighed against my conclusion on the main issue which is that the proposal would have a significantly adverse impact upon the character and appearance of the area. In this case, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that significant harm is not caused to the character and appearance of the area. Indeed, the protection of the public interest cannot be achieved by means that are less interfering of the human rights of the family member.
17. Consequently, whilst I acknowledge the personal circumstances of the family member, I conclude that this is not a matter which outweighs the significant harm that would be caused by the proposal in respect of my aforementioned conclusion on the main issue. Therefore, and taking into account all other matters raised, the appeal should be dismissed.

Philip Willmer

INSPECTOR

