

<b>No:</b>	<b>BH2018/03767</b>	<b>Ward:</b>	<b>Woodingdean Ward</b>
<b>App Type:</b>	<b>Householder Planning Consent</b>		
<b>Address:</b>	<b>11 Balsdean Road Brighton BN2 6PG</b>		
<b>Proposal:</b>	<b>Enlargement &amp; alterations to existing dormers including installation of cedar cladding and replacement windows (retrospective).</b>		
<b>Officer:</b>	Nicola Van Wunnik, tel: 294251	<b>Valid Date:</b>	13.12.2018
<b>Con Area:</b>		<b>Expiry Date:</b>	07.02.2019
<b>Listed Building Grade:</b>		<b>EOT:</b>	
<b>Agent:</b>	Mr James Parkhurst 28 Brunswick Street West Hove BN3 1EL		
<b>Applicant:</b>	Mrs S Ashley 11 Balsdean Road Brighton BN2 6PG		

## 1. RECOMMENDATION

1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **REFUSE** planning permission for the following reasons:

1. The proposal, by reason of scale, design, siting, materials and bulk is considered an overly dominant roof extension that relates poorly to the existing roof form and detracts from the appearance and character of the building, the wider street scene and surrounding area, contrary to policy QD14 of the Brighton and Hove Local Plan.

### Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision is based on the drawings received listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	1306/P/01	P2	25 April 2019
Location Plan	1306/SP/01	P2	13 December 2018
Block Plan	1306/SP/02	P2	13 December 2018

## 2. APPLICATION SITE

- 2.1. The application site relates to a detached bungalow located on the north side of Balsdean Road. The street is set on a slope that rises from west to east and is comprised of bungalows with hipped tiled roofs and several side and front dormers clad in hanging tiles.

### 3. RELEVANT HISTORY

#### 3.1. Enforcement

**Enforcement Notice Served 18/10/2016** - Appeal dismissed and enforcement notice upheld 25/04/2017

The period for compliance with the requirements of the notice is 24 months i.e. 25/04/2019.

#### 3.2. Planning Applications

**BH2015/04453** - Installation of side and rear dormer to replace existing, enlargement of front dormer and installation of cedar cladding to dormers (Retrospective). Refused 29/02/2016 and Appeal Dismissed 16/08/2016.

The reason for refusal was;

- The proposal, by reason of scale, design, siting, materials and bulk is considered an overly dominant roof extension that relates poorly to the existing roof form and detracts from the appearance and character of the building and the wider surrounding area, contrary to policy QD14 of the Brighton and Hove Local Plan and the guidance within Supplementary Planning Document 12: Design Guide for Extensions and Alterations.

3.3. **BH2013/02200** - Re-cladding of existing front dormer and replacement of side and rear dormers with a wraparound dormer incorporating a rear terrace on existing flat roof with privacy screens and balustrading. Refused 03/09/2013. The reasons for refusal were;

- The proposal, by reason of scale, design, siting, materials and bulk would result in a contrived and overly dominant roof extension that relates poorly to the existing roof form and detracts from the appearance and character of the building and the wider surrounding area, contrary to policy QD14 of the Brighton and Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD012).
- The raised terrace area, due to its elevated position, would result in real and perceived overlooking and a subsequent loss of privacy towards the gardens of the adjoining properties (No.9 and No.13 Balsdean Road) to the detriment of the residential amenity of the occupiers of these dwellings. As such, the proposal is contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD012).

3.4. **BH2000/02190/FP** - Single storey rear extension. Approved 04/10/2000.

### 4. CONSULTATIONS

None

## 5. REPRESENTATIONS

- 5.1. **(10) letters** have been received supporting the proposed development on the following grounds:
- Wood cladding on the dormers is perfectly acceptable.
  - Good quality work.
  - Stands out as a beautiful looking house.
  - Makes the neighbourhood look modern and distinguished.
  - The dormers are inoffensive and fit in perfectly with the surroundings.
  - More environmentally friendly.
  - It looks fine and is not out of keeping.
  - Good design.
  - Enhances the appeal of the area.
  - Well designed, modern and attractive.
- 5.2. There are sufficient numbers of support letters from properties that are considered to be directly affected by the proposed development which has triggered the application to be decided by planning committee.
- 5.3. **Councillor Simson** supports the proposal. A copy of the support letter is attached to this report

## 6. RELEVANT POLICIES

- 6.1. The National Planning Policy Framework (NPPF)
- 6.2. Brighton & Hove City Plan Part One  
SS1 Presumption in Favour of Sustainable Development
- 6.3. Brighton & Hove Local Plan (retained policies March 2016):  
QD14 Extensions and alterations  
QD27 Protection of Amenity
- 6.4. Supplementary Planning Document:  
SPD12 Design Guide for Extensions and Alterations

## 7. CONSIDERATIONS & ASSESSMENT

- 7.1. The main considerations in the determination of this application relate to the impact of the development on the appearance and character of the building, the wider street scene and surrounding area and the amenities of adjacent occupiers.
- 7.2. The application site has a planning history in regards to roof alterations. This application follows a previous refusal (BH2015/04453) and investigation by the planning enforcement team. Application BH2015/04453 was refused on

the grounds of the scale, design, siting, materials and bulk being considered an overly dominant roof extension that related poorly to the existing roof form and detracted from the appearance and character of the building and the wider surrounding area. This earlier application was also dismissed at appeal (APP/Q1445/D/16/3150084)

- 7.3. Following the refusal of application BH2015/04453, an enforcement notice was served on the 18/10/2016. The enforcement notice was appealed (APP/Q1445/C/16/3163997) and the appeal was dismissed and the enforcement notice was upheld.
- 7.4. Both appeal decisions are considered material considerations and have significant weight in the consideration for this subsequent planning application, which will be discussed later in the report.
- 7.5. Retrospective planning permission is being sought for the enlargement and alterations to the existing dormers including a front dormer and a rear dormer window which wraps around to both side elevations. All of the dormers are clad in cedar boarding.
- 7.6. Design and Appearance  
The pre-existing property included dormers to all four roof slopes clad in hanging tiles to the cheeks with UPVC fascia boarding to the faces. The rear pre-existing dormer has been extended in order to form one substantial rear wrap around dormer with a flat roof and includes a Juliet balcony and window to the rear and high level windows to the sides. The wrap around dormer also features a parapet roof and includes solar panels installed on the roof. The dormer to the front has broadly the same dimensions as the pre-existing front dormer.
- 7.7. The dormers are highly prominent within the street scene and add significant bulk to all elevations of the property. It is noted that there are several other front and side dormers within the vicinity of the application site, however there are no examples of this scale. The prominence of the dormers is exacerbated by the cedar wood cladding finish which is particularly incongruous within this context as it is a stark contrast with the existing tiled roof. Although the introduction of new materials is not a reason for refusal in itself, given the excessive scale of the dormers, this proposal would introduce excessive amounts of cedar cladding which is uncharacteristic of the area and therefore warrants refusal in this instance. Furthermore the topography of the street is such that the roof alterations are highly visible in views from the east, along Balsdean Road.
- 7.8. The proposed extensions are therefore contrary to the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD012) which states that dormers should be kept as small as possible and clearly be a subordinate addition to the roof, set appropriately in the roof space and well off the sides, ridge and eaves of the roof. Furthermore the guidance states

that dormers should ideally not be larger than the windows on the floors below and should not contain large amounts of cladding.

- 7.9. Key concerns highlighted by the Appeal Inspector with regard to the previous scheme (BH2015/04453 ) were;
- 7.10. *"Apart from 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.*
- 7.11. *I have 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 as not, in itself, brought about a cohesive, contemporary design approach"*
- 7.12. The Inspector for the enforcement appeal (APP/Q1445/C/16/3163997) reiterated this point and noted:
- 7.13. *"I consider that the installation of cedar wood cladding on all the dormers has clearly affected the exterior of the building. Balsdean Road is situated on a steep incline and the tiled roof of the bungalow can be clearly seen from the public domain whether looking up or down the road. The steeply pitched, hipped gabled roof of the bungalow is one of the principle features of this building and the modern appearance of the cedar wood cladding is in marked contrast to not only the traditional roof tiles but also the traditional appearance of the bungalow. There has therefore been a noticeable change to the appearance of the building."*
- 7.14. Acknowledging this, the front dormer has been reduced in height, however the wrap around dormer is identical in terms of appearance to the refused planning application BH2015/0445. The concerns raised previously by two separate Appeal Inspectors carries significant weight in the consideration of this application. Given the issues raised in both appeals, there are no grounds to disregard the Appeal Inspectors comments in the current application with reference to impact on the appearance on the host dwelling and surrounding area.
- 7.15. Overall, the scale of the roof extensions is considered excessive to the host building and result in significant harm to the host building and wider street scene. The use of cedar cladding on the dormers is considered inappropriate and unduly prominent within the location, contrary to policy QD14 of the Brighton and Hove Local Plan.
- 7.16. Impact on Amenity

It is considered that the level of separation between the application and properties to the north and south would ensure no significant harm to neighbouring amenity would occur. The properties most likely to be affected by the proposal would be 9 and 13 Balsdean Road to the west and east.

- 7.17. There is sufficient distance between the application property and the adjoining properties to ensure that there would not be any significant harm in regards to overshadowing, loss of light or outlook or an overbearing impact. Whilst it is noted that the windows in the side dormers could result in overlooking, if the proposal was otherwise acceptable, a condition could be attached stipulating that these windows are obscure glazed and restricted opening, therefore the proposal is considered acceptable in this regard.
- 7.18. Other Matters  
Within the application the agent has provided a planning statement which includes reference to permitted development rights relating to the site and the fact that the pre-existing property included dormer windows to all elevations. It is noted that the property is a single dwelling and not within a conservation area meaning certain loft extensions may be classed as permitted development, providing a potential fall-back position.
- 7.19. The works however do require planning permission as they fail to meet conditions set out in paragraph B.2 (a) of Schedule 2, Part 1 of the General Permitted Development Order (GDPO) which states 'the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse'. Furthermore the front dormer fails to meet the requirement of paragraph B.1 (c) which states that 'any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway'.
- 7.20. With reference to the cedar cladding, the appeal Inspector for the refused planning application (BH2015/04453) noted the following;
- 7.21. *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 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."*
- 7.22. The Inspector for the enforcement appeal (APP/Q1445/C/16/3163997) reiterated this point and noted:
- 7.23. *Having regard to all of the above considerations, I conclude, as a matter of fact and degree, that significant alterations have been made to the exterior of the building and the installation of cedar wood cladding to the dormers. These alterations are visible from the public domain and amount to a material*

*change to the external appearance of the building. The alterations therefore amount to development within the meaning of s55 of the Act, for which planning permission would be required. Class B of the GPDO permits development in certain circumstances but the development in this case conflicts with the condition attached to the development give permission by Class B. The appeal on ground (c) therefore fails."*

7.24. Conclusion

Acknowledging that a fallback position is not a material consideration in this instance together with the Inspector's comments from the appeal decisions, which carry significant weight, the application has been recommended for refusal as the current works are considered to cause significant harm to the character and appearance of the host building, wider street scene and surrounding area, contrary to policy QD14 of the Brighton and Hove Local Plan.

**8. EQUALITIES**  
None identified

