



# Appeal Decision

Site visit made on 27 July 2010

by **M T O'Rourke BA (Hons) DipTP MRTPI**

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

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**Decision date:**  
**4 August 2010**

## **Appeal Ref: APP/Q1445/D/10/2130852** **29 Park Crescent Terrace, Brighton BN2 3HD**

- 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 Dylan Carbonell-Ferrer against the decision of Brighton & Hove City Council.
- The application Ref BH2010/00141, dated 19 January 2010, was refused by notice dated 31 March 2010.
- The development proposed is construction of new rear roof extension, alterations to existing rear outbuilding and new fence on north east boundary.

### **Decision**

1. I allow the appeal, and grant planning permission for construction of new rear roof extension, alterations to existing rear outbuilding and new fence on north east boundary at 29 Park Crescent Terrace, Brighton BN2 3HD in accordance with the terms of the application, Ref BH2010/00141, dated 19 January 2010, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall strictly accord with those indicated on the approved plans.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings Nos 3258.EXG.02, 3258.DD.01A, 3258.DD.02A and 3258.EXG.01A.

### **Main issue**

2. No. 29 is a two storey terraced house which like its neighbours has a small walled garden to the rear. The appeal scheme includes internal alterations to the house to provide a bathroom on the first floor and a third bedroom in the roofspace with two rooflights in the front roofslope and a rear dormer. The existing outbuilding would be reduced in depth but extended across the full width of the garden under a slightly higher flat roof with a low parapet surround. This would create a larger patio bounded by a new 1.8m fence.
3. No objection is made by the Council to the alterations to the outbuilding, new fence or extended patio and in June 2010 a separate permission was granted for these works (BH2010/01081). The Council's reason for refusal relates solely to the size, proportions and design of the rear dormer. The main issue is

therefore its impact on the character and appearance of the building and on the surrounding area.

### **Reasons**

4. Park Crescent Terrace is not in a Conservation Area and there are no saved policies in the Brighton and Hove Local Plan (LP) or the adopted Supplementary Planning Guidance on Roof Extensions and Alterations (SPG) which precludes the addition of rooflights or rear dormers in this area. Other houses in the street have rooflights at the front and I find no objection on townscape grounds to that part of the appeal scheme. Although the rear of No. 29 can be seen in public views from Park Crescent Road, the views are limited, at a distance and other dormers, including that at No. 31 which is very similar in size and proportions to that proposed at No. 29, can be seen. Whilst planning permission was not granted for that dormer (the Council presumes it was built as permitted development), it forms part of the established character of the area. From what I saw walking around the area and looking from the rear garden, dormers of the size proposed are not uncharacteristic.
5. The house has a 2 storey rear projection and an asymmetric window layout. As the dormer would be below the ridge, set in from the side parapets and above the eaves line, some impression of the original roof form would be retained. Although the windows in the dormer would not line up with those below, their positioning would retain an overall sense of balance to the rear elevation. The use of lead for the front, cheeks and roof of the dormer would give it a lightweight appearance, unlike other dormers in the immediate vicinity which are tile hung. The appellant has also drawn my attention to the fallback position whereby a dormer of a similar size, design and positioning, but constructed of materials matching the house, could be built without planning permission and this is a material consideration to which I give some weight.
6. I am mindful of the provisions of saved LP policies QD1, QD2 and QD14 and the detailed guidance in the SPG. The LP refers to badly sited extensions reducing privacy, blocking daylight and interfering with the outlook from adjoining properties. However none of these impacts are suggested to arise here. It is noted in the SPG that poorly designed or excessively bulky roof top additions can seriously harm the appearance of a property and also have a harmful effect on the rest of the street. But in this case, having regard to the particulars of the dormer design, including its window positions and material, and the character of the surrounding area with another dormer of similar size and proportions close by, I do not consider that the proposal would have these harmful effects. As I am satisfied from what I saw that the proposed development would not materially harm the character and appearance of the building or that of the surrounding area, there would be no material conflict with national objectives in Planning Policy Statement 1 and LP objectives to secure a high standard of design in all development.
7. For the reasons given above I conclude that the appeal should be allowed. For the avoidance of doubt and in the interests of good planning I am imposing a condition confirming the approved plans and that the materials used should accord with the details on those plans.

*Mary O'Rourke* Inspector