



Appeal Decision

Site visit made on 23 November 2010

by J M Trask BSc (Hons) CEng MICE

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

Decision date: 30 November 2010

Appeal Ref: APP/Q1445/D/10/2137246

99 Shanklin Road, Brighton, E Sussex BN2 3LP

- 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 Lee M^cLagan against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/01261, dated 21 April 2010, was refused by notice dated 22 June 2010.
 - The development proposed is a loft conversion.
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Decision

1. I dismiss the appeal.

Main Issue

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

Reasons

3. The appeal site is a mid terrace property that is divided into flats. There is a central rear projection to the property which gives the rear elevation an unusual appearance. The proposed loft conversion includes a rear facing dormer which, although it could not be seen from the street, could be seen from the gardens of neighbouring properties and the cemetery to the rear of the site.
4. The dormer would extend across the width of the roof, encroaching on the party wall upstands and it would be close to the roof ridge. By reason of its size the dormer would be prominent and appear incongruous; it would result in the house having a top heavy appearance. This effect would be accentuated by the render finish. While the materials to be used for the external finishes and the precise position of windows could be controlled by the imposition of suitable conditions, this would not overcome my concerns in respect of the size of the dormer. Although the rear elevation is not particularly attractive, the proposal would be detrimental to the character and appearance of the property.
5. The proposal would not represent a high standard of design for the reasons given above and would be contrary to Policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan as well as the Council's Supplementary Planning Guidance Note BH1.

6. The appellant has drawn my attention to other dormers in the area but I am not aware of the particular circumstances of most of these developments. While I understand the consternation of the appellant over some of these local developments, I must deal with the facts of the case before me. Furthermore I do not consider that the other cases should set a precedent, particularly as some could equally be seen as a justification for rigorous application of Council policy. In any event each case falls to be considered on its own merits in relation to the development plan. I also acknowledge that some surrounding properties could be extended without the benefit of planning permission but this does not justify development that would be contrary to the provisions of the development plan.
7. Most of the roofs in the terrace are unaltered, although there is one dormer at No79 that was granted planning permission before the adoption of the current local plan and I have noted the Council's concern on precedent and the number of other similar properties in the area. However, as I have decided to dismiss the appeal, the Council's ability to resist further unsatisfactory applications will not be affected. The constraints of the site limit the opportunities for an attractive design and due account must be taken of benefits, including in terms of insulation. Nevertheless neither these matters nor any other matters raised are sufficient to outweigh the considerations which have led me to my conclusion.
8. For the reasons given above I conclude that the appeal should be dismissed.

J M Trask
INSPECTOR