



Appeal Decision

Site visit made on 2 April 2013

by David Harmston FRICS DipTP MRTPI

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

Decision date: 3 April 2013

Appeal Ref: APP/Q1445/D/13/2193217

47A Downs Valley Road, Brighton, East Sussex BN2 6RG

- 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 N Taylor against the decision of Brighton & Hove City Council.
 - The application (Ref BH2012/03581) was refused by notice dated 11 January 2013.
 - The development proposed is the linking of two existing pitched roof dormers to the rear to create an enlarged flat roof dormer and the removal of the existing rooflight to the front slope and the erection of a pitched roof dormer.
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Decision

1. The appeal is allowed and planning permission is granted for the linking of two existing pitched roof dormers to the rear to create an enlarged flat roof dormer and the removal of the existing rooflight to the front roof slope and the erection of a pitched roof dormer at 47A Downs Valley Road, Brighton, East Sussex BN2 6RG in accordance with the terms of the application (Ref BH2012/03581), dated 26 October 2012, subject to the following conditions:
 - (1) The development hereby permitted shall be commenced within three years of the date of this decision.
 - (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos:- 1272012/01 and 1272012/02.
 - (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.

Preliminary Matter

2. In the interests of clarity I have slightly modified the description of the development from that stated on the application form.

Reasons

3. The appeal property is a detached dwellinghouse lying within a modern, residential estate in the Woodingdean area of Brighton. To its rear are two pitched roof dormers set within the roof slope. It is proposed to link these together to provide a single flat-roofed dormer. At the front of the property is a rooflight set into the slope of the roof and it is proposed to replace this with a single, pitched-roof dormer. These alterations would facilitate the enlargement of the available living space on the upper floor of the dwelling.

4. The main issues in the appeal are the effects of the development on the character and appearance of the area and whether the introduction of the dormer at the front of the dwelling would give rise to an unacceptable increase in the degree of overlooking towards the rear of No 47 Downs Valley Road.
5. The property lies in a backland position on rising ground to the rear of the line of dwellings fronting Downs Valley Road with access from a long, private driveway running between the adjacent dwellings. There is a wide range of building styles within the locality with many two-storey houses and chalet-type bungalows. Dormers are commonplace. The enlarged and altered rear dormer would not be visible from the street. Its flat roof would be lower than the ridge height of the existing building and it would be set in from each side of the flank elevations by more than one metre.
6. The Council's Supplementary Planning Guidance *Roof Alterations and Extensions* (SPG) advises that dormers should be kept as small as possible and their overall width should be no wider than the windows below with no large areas of cladding either side or below. The proportions, design and style of new dormers should complement the existing building. In some respects, such as in its design and scale, the development would conflict with the SPG. However, that is also the case with the existing dormers and others that I saw in the neighbourhood.
7. In this concealed position the only available views of the enlarged, single dormer would be from east, particularly from the rear of the dwellings in Chalkland Rise. These dwellings are almost 40m distant and there is a dense screen of high shrubs on the boundary. Some of these dwellings have rear dormers themselves. In all these circumstances I do not consider that the small degree of harm to the character and appearance of the area that the construction of the enlarged and altered rear dormer would cause should be fatal to the proposal. Such conflict with policy QD14 of the Brighton & Hove Local Plan and the SPG as would occur is outweighed by all the material considerations in favour of the development.
8. On the second main issue, the design, scale and proportions of the dormer proposed at the front of the dwelling would be in keeping with the existing dwelling and it would be barely visible from the street. In these terms this element of the overall development is acceptable to the Council and in compliance with the SPG. As far as overlooking is concerned, and as I saw, the rear of No 47 Downs Valley Road and its garden are already readily visible from the first floor bedroom window in the appeal property.
9. Whilst the addition of a dormer in the roofslope to the south of that window would also allow for the overlooking of that property it would have little additional harmful impact on the amenities of the residents of the neighbouring dwelling as the perception of being overlooked would not be materially altered. That dwelling and its garden are already overlooked from the first floor of the appeal property. The dormer is proposed in a position further back than the existing bedroom window and slightly offset from the central position of the opposing elevations whereas the existing bedroom window faces directly towards the rear of the adjacent house.

10. In these circumstances I conclude that whilst the potential for overlooking towards the rear of No 47 Downs Valley Road would increase as a result of the development the overall position is so compromised in this respect at the moment that such additional harm in this respect as would be caused would not be significant. For these reasons I conclude that the proposals are in compliance with policy QD27 of the Local Plan on this issue.
11. Concerning conditions, apart from the statutory time duration of the permission, I have specified the approved drawings for the avoidance of doubt and in the interests of proper planning. It is necessary for the external finishes to be used in the construction of the development to match those used in the existing building in the interests of visual amenity. I have considered everything else that has been raised in relation to this matter but nothing that I have seen or read is of sufficient weight to alter my conclusions above and the reasons for them.

David Harmston

Inspector

