



Appeal Decisions

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: 12 April 2013

Appeal A - Ref: APP/Q1445/A/12/2186127

30A Beaconsfield Villas, Brighton, East Sussex BN1 6HD

- 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 James Taylor against the decision of Brighton & Hove City Council.
 - The application (Ref BH2012/02565), dated 16 August 2012, was refused by notice dated 18 October 2012.
 - The development proposed is described as the formation of habitable room in the roofspace with rear dormer and front rooflights.
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Appeal B - Ref: APP/Q1445/A/13/2191931

30A Beaconsfield Villas, Brighton, East Sussex BN1 6HD

- 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 James Taylor against the decision of Brighton & Hove City Council.
 - The application (Ref BH2012/03397), dated 23 October 2012, was refused by notice dated 13 December 2012.
 - The development proposed is described as the formation of habitable room in the roofspace with rear dormer and front rooflights.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is allowed and planning permission is granted for the formation of habitable room in the roofspace with rear dormer and rooflights at 30A Beaconsfield Villas, Brighton, East Sussex BN1 6HD in accordance with the terms of the application (Ref BH2012/03397), dated 23 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: Drawings entitled:- 'Loft Conversion Plans - Contract No INT 696 (2.8.2012)- Existing Plans' and 'Loft

Conversion Plans - Contract No INT 696 (2.8.2012); *R1= Rear Dormer & Velux Rooflights Amended 23.10.2012*'.

- (3) The materials to be used in the construction of the external surfaces of the dormer hereby permitted shall match those used in the existing building.
- (4) The rooflights hereby permitted shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Preliminary Matters

3. These appeals have been made in relation to two refusals of planning permission for alternative proposals for alterations and enlargements to the property. Both developments are for the erection of a rear dormer to provide additional habitable accommodation within the roofspace of the dwelling with rooflights in the front roofslope. I have considered each appeal independently on its own planning merits. The site lies within the Preston Park Conservation Area and it is therefore necessary to consider whether either proposal would serve to preserve or enhance the character or appearance of the Area.

Main Issue

4. For both appeals the main issue is the effect of the development on the character and appearance of the area and the host building having regard to the location of the site within the Preston Park Conservation Area.

Reasons

5. The appeal building lies within a densely-developed residential suburb of Brighton characterised by the presence of fine, period buildings laid out on even building lines in a regular formation. The appeal property comprises a first floor flat occupying the southern half of a semi-detached building with its staircase access to the rear. Both proposals seek to utilise the roofspace above the flat for additional living accommodation with either a living area (Appeal B) or as bedroom with a kitchenette (Appeal A). Access would be provided by way of an internal staircase positioned within the dormer in each case.
6. To this end two alternative forms of dormer construction are proposed. In Appeal A the dormer (containing three windows facing east) would be constructed across the majority of the rear roof slope with two rectangular-shaped rooflights in the front elevation. In Appeal B, the rear dormer would be much smaller, centrally located above an existing rear projection, with a pair of square-shaped rooflights in both the front and rear elevations.
7. The Council's Supplementary Planning Guidance – *Roof Alterations and Extensions* (SPG) sets out a number of guidelines that should be followed in carrying out developments of this kind. Particularly, dormers should be carefully positioned with regard to the arrangement of windows below and the shape of the roof. They should be positioned on the centre line of the building and its symmetry should be retained. No part of the dormer should come up to or rise above the main roof ridge and it should be well contained within the

- existing roof profile. Dormers should be kept as small as possible with no large areas of cladding and, generally, their overall width should be no wider than the windows below. They should be of a roof form and detail appropriate to the character of the building and in Conservation Areas they should be roofed in metal, but not in felt.
8. In Appeal A the dormer would stretch across almost the full width of the rear roofslope. The structure would be a bulky and incongruous addition to the property which would fail to respect the character of the existing building or the area more generally. The dormer proposed by this appeal would conflict with the SPG in several key respects such as in its width, its failure to relate sympathetically to the character of the existing building and in its excessive cladding. In its fenestration detailing the windows would not align with those below and would be out of proportion with those existing. Whilst the structure would not be seen from the road, nevertheless it would be a very prominent structure in the neighbourhood, widely visible from the surrounding dwellings.
 9. As far as the front rooflights are concerned, the SPG states that these should be kept to a minimum in number and should relate well to the host property in terms of scale and proportions. In Conservation Areas they will not be acceptable on front or other prominent roof slopes where they are visible from the street. The Council acknowledges the presence of a number of rooflights in the front roof slopes of several properties close to the appeal site such as at Nos 8, 31, 45, 63, 65 and 67 Beaconsfield Villas. Additionally, since 2011, planning permission has been granted in four cases for developments which included front rooflights.¹
 10. Rooflights in the front roofslope of the appeal building are acceptable to the Council in principle but these should be of a 'conservation style' featuring metal frames and fitted flush to the roofslope. The proposed front rooflights in Appeal A are horizontally orientated, rectangular in shape and would not be positioned centrally above the bay windows below. This element of the overall proposals for the site would detract from the appearance and character of the area as well as that of the host building.
 11. In summary on Appeal A, I conclude that the development would fail to comply with the guidelines set out in the SPG in a number of important respects and, in respect of both the rear dormer and the front rooflights, it would cause significant visual harm to the character and appearance of the area and the host building because of its design, scale and bulk. The development would fail to preserve or enhance the character or appearance of the Conservation Area and for all of these reasons it would conflict with the terms of policies HE6 and QD14 of the Brighton and Hove Local Plan. The development proposed by Appeal A is therefore unacceptable.
 12. Turning to Appeal B, the rear dormer would be located above an existing rear wing. It would be gable-ended and pitched-roofed with its ridge aligning with that existing. It would occupy about one-third of the width of the existing roof and would be set well in from the side boundaries of the property, invisible

¹ Nos 5, 87, 98 and 103 Beaconsfield Villas

- from the street. The rooflights in both the front and rear elevations would be flush-fitted and appropriate in siting, proportions and size to the host building.
13. In several key respects the rear dormer would comply with the guidelines set out within the SPG. The Council criticises the proposal because it would accommodate the staircase which, it is argued, could be formed within the existing roofspace. In these circumstances the dormer might not be necessary to allow for the use of the roofspace for additional living space.
 14. My conclusion in respect of the development proposed by Appeal B is that the limited measure of harm that the development would cause to the character and appearance of the area is acceptable in this instance having regard to the siting and size of the dormer, its scale and design and the fact that other dormers have been constructed in the area which are visible from the rear of the properties. I consider that the proposals the subject of Appeal B would be neutral in terms of their preservation or enhancement of the character or appearance of the Conservation Area and I do not conclude that there would be any conflict with policies HE6 or QD14 of the local plan on this issue.
 15. The Council has drawn my attention to other proposals for developments of this type within the area where permission has been refused.² However, each case falls to be determined on its individual planning merits and precedent is rarely a matter which attracts significant weight in the planning process.
 16. As to the conditions for the development the subject of Appeal B, and apart from the statutory time duration of the permission, it is necessary to specify the approved drawings for the avoidance of doubt and in the interests of proper planning. The materials to be used in the construction of the dormer should match those used in the existing building, in the interests of visual amenity. I agree with the Council's suggestion that for developments within a Conservation Area it is reasonable and necessary to require the rooflights to be fitted with cast metal frames and to be installed in a way that is flush-mounted to the roofslope to preserve the character of the building and the Area as far as possible.
 17. I have considered everything else that has been raised in relation to this matter but nothing is of sufficient weight for me to alter my conclusions above and the reasons for them.

David Harmston

Inspector

² No 99 Shanklin Road (Appeal Ref APP/Q1445/D/10/2137246) and No 1 Waldegrave Road.