



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: 10 April 2013

Appeal Ref: APP/Q1445/D/13/2192993

19 Queens Park Terrace, Brighton, East Sussex BN2 9YA

- 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 F Trewick against the decision of Brighton & Hove City Council.
 - The application (Ref BH2012/02737) was refused by notice dated 3 December 2012.
 - The development proposed is described as 'loft conversion with box dormer to the rear elevation and roof light to the front elevation.'
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Application for Costs

1. An application for an award of costs has been made by the appellant against Brighton and Hove City Council. This is subject to a separate decision.

Decision

2. The appeal is dismissed.

Preliminary Matters and the Main Issues

3. The site lies within the Queen's Park Conservation Area and it is therefore necessary to consider whether the development would serve to preserve or enhance the character or appearance of the Area. To the rear (north) of the site is the curtilage of St Luke's Junior School which is a Grade II listed building.¹ It is therefore also necessary to consider the effect of the development on the setting of that building.
4. In this light the main issues in the appeal are the effect of the development on the character and appearance of the area and the host building and its impact on the setting of St Luke's Junior School.

Reasons

5. The appeal property is a two-storey, terraced dwellinghouse lying within the built-up area of Brighton. At the time of my visit the building was undergoing extensive building works. The property lies roughly in the middle of a long terrace of dwellings at the point at which it begins to curve towards the south-east. The resultant layout of the buildings in the terrace has resulted in an unusual shape to the appeal property so that its frontage width to the street is 'pinched' with a much greater width at the rear. A two-storey wing projects

¹ Also referred to variously as St Luke's Primary School and St Luke's Infant School

- northwards from the rear of the building adjacent to the boundary with the adjoining dwelling to the west (No 18 Queen's Park Terrace).
6. The land rises sharply to the rear (north-east) and the site is adjoined in this direction by the playground of St Luke's Junior School. The listed School building itself is a large and imposing structure towering above the surrounding houses. From points to the north of the appeal site in St Luke's Terrace (to which the School has its main entrance), the rear of the dwellings in Queen's Park Terrace can be viewed. I was able to gain access to the School and I observed the rear of the appeal property from close range from a position within the School playground. The proposal is to provide habitable accommodation within the roofspace of the building. To this end a rear dormer with a small window to its side would be constructed with a rooflight in the front roofslope facing Queens Park Terrace. The dormer would be about 4.5m wide and 2.4m high with glazed doors. It would be readily visible and visually very prominent when seen from the curtilage of the School and, to a lesser extent, from the pavement on the south side of St Luke's Terrace.
 7. The Council's Supplementary Planning Guidance *Roof Alterations and Extensions* (SPG) provides detailed guidance concerning the design and construction of dormers. Therein it is stated that dormers should be carefully positioned with regard to the arrangement of windows below and the shape of the roof. They should be kept as small as possible with no part of the structure rising above the main ridge line. Particularly, the overall width of the dormer should be no wider than the windows below it and there should be no large areas of cladding either side or below. In certain key respects the appeal development would conflict with the SPG as it would be greater in width than the windows below, it would have large cladded areas and its high French windows would be significantly at odds with, and would fail to respect, the design and character of the existing fenestration.
 8. It is acknowledged by the appellant that in certain respects the development would not comply with the SPG. Nevertheless, the argument is advanced that many comparable developments have been permitted on several nearby properties in recent years which also conflicted with the guidance set out in the SPG, including at least one on appeal. In this respect details have been submitted of dormers that have received permission at Nos 13, 34, 35, 42 and 46 Queens Park Terrace. There are rear dormers constructed at Nos 20, 21 and 34² and I was able to view these at my site visit. In any event, it is contended, the proposal is in general conformity with policy QD14 of the Brighton and Hove Local Plan which allows for extensions and alterations to buildings so long as the development is well-designed and sited and detailed in relation to the property to be extended, the adjoining properties and the surrounding area.
 9. Whilst it is the case that some of the dormers that have been permitted locally would appear to be in conflict with the SPG in at least one respect, precedent is only rarely an argument that should attract significant weight in the planning process as each case falls to be considered on its individual merits. In

² Due to the numbering system of the buildings making up Queens Park Terrace, Nos 20 and 21 adjoin the appeal site to the south-east and No 21 is next to No 34.

any event I consider that there are a number of material differences in several key respects between the appeal proposals and the other cases to which my attention has been drawn. The proposed dormer would have a much greater height and bulk than those existing elsewhere, for instance at the properties situated close to the site at Nos 20 and 21 Queens Park Terrace. Other examples of the dormers that have been permitted have been analysed by the Council demonstrating that either the location is not in the same terrace as the appeal site (No 46) or that they are smaller (Nos 15, 35, 46 and 47)³.

10. The proposed French doors would be very conspicuous and would introduce an incongruous and visually harmful feature into the area which would be visible from the public domain in St Luke's Terrace as well as the School. These would appear quite different in scale and design to the type of fenestration present within the other dormers that can be seen from the same vantage points. Whilst some of the dormers that have been permitted are designed with a width that would infringe the terms of the SPG, they are generally more sympathetic in scale, size and design than would be the case with the appeal development. I consider that the height, the use of French doors and the bulk of the proposed dormer and its cladding, and having regard to its exposed and prominent position, are all factors that render the development unacceptable both insofar as its impact on the surrounding area is concerned as well its effect on the appearance and character of the host building.
11. Overall, I conclude that the harm that would be caused to the Conservation Area in terms of the failure of the development to preserve or enhance its character or appearance, together with the adverse effect the development would have on the setting of the listed building, are of such significance in the particular circumstances of this site that the proposal is unacceptable on this issue. The development would fail to comply with the guidelines set out in the SPG and would conflict with policies QD2, QD14, HE3 and HE6 of the local plan for the reasons I have given. The other material considerations that have been advanced in support of the development and which I have considered in full are insufficient in weight to overcome these conflicts and the harm that would be created in the ways I have described.
12. As to the front rooflight, I saw several examples of similar developments in Queens Park Terrace. Taking account of its proposed size, location⁴ and design, I consider this element of the overall development to be acceptable. I also note that there would be no adverse impacts arising from the proposal in terms of any undue loss of amenity to the nearby and surrounding properties. The development complies with policy QD27 of the local plan in this respect. I have considered everything that has been put forward in support of the proposals but nothing is of sufficient weight for me to alter my conclusions above and the reasons for them.

David Harmston

Inspector

³ Rear dormers have been allowed on appeal at both Nos 13 and 15 Queens Park Terrace; Ref Nos: (APP/Q1445/A/06/2021602 and APP/Q1445/D/12/2186436).

⁴ I note the Council's observations regarding the apparent discrepancy in the siting of the rooflight as shown on the plans. For the avoidance of doubt, I have taken its proposed position to be as shown on Drawing No P10.

