

Appeal Decision

Site visit made on 22 March 2016

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 14 April 2016

Appeal Ref: APP/Q1445/W/15/3139880
6 Crescent Road, Brighton BN2 3RP

- 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 Daniel Shrimpton against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/02126, dated 20 April 2015, was refused by notice dated 10 September 2015.
 - The development proposed is rear side extension, loft conversion and internal alterations to 1st floor flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Round Hill Conservation Area (CA); and
 - the effect of the proposal on the living conditions of the occupiers of nearby properties in relation to outlook, light and privacy.

Reasons

Character and appearance

3. No 6 comprises the first floor and roofspace of a two storey mid terraced house on the western side of Crescent Road. It lies close to the junction with a side road, which means that the rear of Nos 36b and 36c Princes Road face the site from the side. Unusually, to the rear of No 6 there is no garden but a further two storey property No 6a, which also includes the ground floor under No 6.
4. No 6 already has a flat roof extension to the rear at first floor level which is about 8 m long. In width this runs from the common boundary with No 8 but stops short of the boundary with No 4a on the other side by just over 1 m. The proposal is to increase the width of this extension to abut the boundary with No 4a together with a loft conversion involving a large rear facing dormer and a front facing rooflight.

5. The existing first floor rear extension of No 6 is both flat roofed and bulky, and as such has a negative impact on the appearance of the area. It can be clearly seen from numerous rear facing windows nearby and adjacent rear gardens. However, the proposed side extension would only add a small extra width to the extension, thus squaring off the building, and this would not add significant additional harm to the current situation in terms of appearance.
6. On the other hand, the proposed rear dormer would extend almost the full width and height of the rear facing roof slope resulting in a bulky addition giving the appearance of a full third floor to the original property. In addition, the proposed window would be excessively wide, just short of the width of the roof and wider than the window at the rear of the proposed first floor extension. Whilst there are a number of similar dormers in the vicinity these demonstrate the intrusive and overbearing appearance of large dormers in this location and do not justify further examples. The dormer would not be sympathetic or subordinate to the roofscape of the terrace and would be highly visible from numerous rear facing windows nearby and adjacent rear gardens.
7. The front facing rooflight would be located centrally within the roofslope but would be quite small and discreet. It would therefore not cause significant harm to the appearance of the wider street scene.
8. For these reasons the proposed rear dormer would cause significant harm to the character and appearance of the area and would not preserve the character or appearance of the Round Hill CA. This would conflict with saved Policies QD14 and HE6 of the Brighton and Hove Local Plan 2005 (the Local Plan). These require the formation of rooms in the roof to be well designed in relation to the property concerned and the surrounding area, and proposals within a CA to show a high standard of design and to have no harmful effect on the townscape or roofscape. It would also conflict with the Council's Design Guide for Extensions and Alterations 2013 (the Design Guide) which states that full width/height box dormers are an inappropriate design.

Living conditions

9. Whilst not being unduly harmful to the existing appearance of the building, the additional width of the first floor rear extension would bring it up to the common boundary with No 4a. This boundary is currently formed by the single storey side wall of No 6a, to which a second storey would be added. As seen from the adjacent rear facing windows of No 4a the wall would be about 8 m long and about 7 m high, somewhat less to the rear where the back garden steps up. Although the existing first floor rear extension of No 6 already has an overbearing impact on these windows the proposal would further exacerbate this effect, over dominating the outlook from the windows and rear garden. It would also lead to a significant further loss of daylight and sunlight to these rooms and rear garden, made worse by its orientation to the south of No 4a and the position of the two storey section of No 6a behind No 6.
10. In relation to privacy the extension would have the benefit of removing the first floor rear door which allows access to the flat roof outside and thus the potential for overlooking nearby rear gardens. It would also substitute the existing side facing bathroom and wc windows with two high level windows, above eye level when inside the rooms. However, there would be a significant increase in the size of the first floor rear facing window and the rear dormer would introduce a further window overlooking adjacent rear gardens.

11. Whilst the concerns relating to privacy are understood, there is already much mutual overlooking from rear windows into rear gardens and between rear windows in the vicinity. In these circumstances the larger rear facing window and addition of a further overlooking dormer window would not be unduly significant.
12. For these reasons the proposed rear extension would cause serious harm to the living conditions of the occupiers of No 4a Crescent Road in relation to outlook and light. This would conflict with Policy QD27 of the Local Plan which precludes development where it would cause material nuisance and loss of amenity to adjacent residents and occupiers. It would also conflict with the Design Guide which states two storey rear extensions to terraced properties will generally be unacceptable owing to their close proximity to neighbouring windows and should also comply with the 45° rule to avoid harming neighbouring amenity.

Conclusion

13. The benefit of additional living accommodation and a bedroom in the roofspace is appreciated. However, the rear dormer as proposed would cause significant harm to the character and appearance of the area and the additional width of the first floor rear extension would cause serious harm to the living conditions of the occupiers of No 4a. In these circumstances the appeal should be dismissed.

David Reed

INSPECTOR

