

Development Management
Brighton and Hove City Council
Hove Town Hall
Norton Road
Hove
East Sussex
BN3 3BQ

RE: Householder Planning Application at 3 Windmill Street, Brighton, East Sussex, BN2 0GN

Opening Remarks

We have been instructed by Mr Brooks to assist with resolving the planning matters at the above site following the issuing of a Planning Contravention Notice.

This circumstance is complicated, not only by the works having been executed to a different design than the approved, but also due to the legal procedures that Mr Brooks has had to follow after seeking specific legal advice relating to the original contractors appointed to execute the original permission.

It is my understanding that Mr Brooks has previously outlined the circumstances relating to the events leading to this situation in full to Planning Enforcement. For the most part, it is therefore not my intention to address the history of this site specifically within this document, however it is important to understand the context of the situation. I would therefore welcome dialogue between the case officer the enforcement team (namely Mr Pinheiro) who have handled the case to date. Should any further information be considered necessary, either myself or the applicant will seek to provide this in a timely manner.

I would also like to note that Mr Brooks has provided his own personal statement, this document contains personal information that may form part of a legal case in the future, therefore we will provide this document at a later date directly to the case officer.

Relevant Planning History with Darby Architectural Comments

BH2019/00342 – Erection of proposed roof alterations incorporating rear and front dormers, rear single storey infill extension and associated alterations. APPROVED 25/04/2019.

DA Comments:

This application was the basis of the works, albeit the ability for the design to be implemented in accordance with the approval was, in my opinion, flawed. The approved drawings themselves do not tally with one another and there are a number of errors in the approved drawings that should have been addressed during the planning stages, in addition to this there are non-planning issues that would prohibit the ability to construct the scheme to an acceptable standard.

BH2023/00866 – Erection of proposed roof alterations incorporating rear and front dormers, rear single storey infill extension and associated alterations. (Retrospective). REFUSED 01/08/2023.

DA Comments:

This application was submitted to address the fact that the works carried out on site were not in accordance with the approved drawings from the 2019 application. The case officer's report notes that amendments were requested due to inaccuracies with the drawings. Fundamentally, the drawings within this application related very poorly to the as-built situation on site.

We consider this application to have been ill advised and poorly executed. In addition to the issues with the drawings themselves, from the information available to us it appears that little to no explanation of the circumstances leading to this application have been included. It also appears that the client was not made aware of their right to appeal the decision.

A Planning Contravention Notice was provided to Darby Architectural by the applicant with the reference ENF2021/00401 dated 14th August 2023. Assumed in response to the refusal of the retrospective planning application.

Description of 'Existing' Arrangement

Drawing 0535.E.01 accurately illustrates the existing arrangement of the property.

Internal

The ground floor consists of a large open-plan entrance area which leads to the stairs to upper floors and a pair of doors provides access to the main living area with open plan kitchen, dining and sitting, a WC is provided, and the pre-existing external store has been knocked through. The kitchen occupies most of the 'infill' between outriggers and has with a large roof light above. A pair of doors opens onto the rear garden.

The first floor consists of two bedrooms in the main part of the building, whilst to the rear the family bathroom is accessed from the half-landing within the outrigger. Stairs to the converted loft are above the original staircase, and the second floor is occupied fully by a further bedroom

External

To the front elevation, the building consists of painted render with a uPVC front door, uPVC sash windows to the ground and first floor and a uPVC casement window to the front dormer. The roof is tiled with interlocking concrete tiles, the dormer is clad in lead with a felt flat roof with vented soffits on all three sides. There is no ridge tile visible and the front dormer roof links to the rear dormer.

The rear elevation consists of painted render with uPVC casement windows on the upper floors and a pair of uPVC French doors on the ground floor. An extension infills the original gap between the outrigger of the host property and the neighbour at number 5. The extension, along with the single storey external store feature flat felt roofs. The outrigger retains its original pitched roof with interlocking concrete tiles.

The dormer occupies the entirety of the rear roof slope, filling the gap between the fire walls of numbers 1 & 3, and 3 & 5. The dormer is clad in white uPVC cladding, with a large felt flat roof and vented soffits on all three sides. As mentioned previously, this roof links with the front dormer and there is no ridge tile present at the junction with the front roof slope.

Comparison to the Approved Scheme/Consideration to Areas of Contention

For the most part, the majority of the existing arrangement is not dissimilar to the approved 2019 scheme. Therefore, the following is a consideration of the areas of 'concern' raised as issues by planning enforcement. We will go on to discuss the proposed changes to these areas and provide justification for those proposals where necessary.

Front Dormer:

The front dormer bears no resemblance to the approved scheme. The approved dormer was much smaller and sat lower in the roof slope. It had limited areas of walling and was largely glazed.

This dormer is currently earmarked for removal in accordance with timeframes agreed by planning enforcement and Mr Brooks.

The proposal seeks consent to install a roof light in this location, to ensure the room it serves is well serviced with light and ventilation. The removal of the dormer does not affect the usable space within the room to an extent that the room becomes impractical or falls below minimum space standards.

Rear Dormer:

The rear dormer bears no resemblance to the approved scheme. The approved scheme proposed two narrow and tall dormers. Though, it is worth noting that those dormers appear to be largely flawed from a buildability aspect. The dormer is clad in white uPVC cladding that does not match the original roof tiles of the property.

The proposal seeks to replace the uPVC cladding with hanging tiles. This would ensure the dormer materials match the original roof covering closely. Similar dormers are seen on a number of neighbouring properties as is covered in the enclosed supporting images document.

Ridge:

At present there is no ridge tile to provide delineation between the flat roof of the dormer(s).

The proposal seeks to install a ridge tile to provide delineation between the pitched and flat roofs.

Consideration Against Similar Properties and Applications

In addition to this covering letter, and the drawings, a document titled "Supporting Images" has been provided. These images show the rear dormer (proposed to be retained but altered to have hanging tiles) in context with neighbouring houses of a similar type.

As mentioned within that document, of the 29 houses on the NW side of the road, 16 houses other than number 3 also have similar loft conversions with full width rear dormers. This is in addition to a number of converted roofs on the SE side of the road. Of course, the presence of dormers on neighbouring properties does not grant planning permission by default, the character of the area should also be taken into consideration.

The proposed removal of the white uPVC cladding and its replacement with hanging tiles, would ensure the dormer relates more successfully to its nearest counterparts, it is also worth noting that several of those 16 rear dormers do not have hanging tiles, instead having rendered or clad walls.

In 2018, appeal ref APP/Q1445/W/17/3188292 relating to application BH2017/01793 for works at 74 Westbourne Street, Hove, considered a similar scheme. The inspector felt that the proposal would respect the character of the area.

In 2019, appeal ref APP/Q1445/W/18/3205868 relating to application BH2018/01384 for works at 118A Upper Lewes Road, Brighton, considered a similar scheme. The inspector felt that the proposal would have only a limited harmful effect on the character and appearance of the building and its surroundings.

In 2023, appeal ref APP/Q1445/W/22/3303334 relating to application BH2022/01497 for works at 158 Upper Lewes Road, Brighton, considered a similar scheme. The inspector felt the scheme would not draw the eye as being harmfully out of keeping with the host dwelling and its surroundings.

Given the position of number three, near to the corner of Sussex Street, the works are visible from two areas within the public realm. The first and more prominent being the gap between The Setting Sun PH and 49 Sussex Street. However, there is no distinct architectural character in this view, and indeed the dormers present further up Windmill Street are also visible.

The second position is on Turner Road, in the gap between 46 Sussex Street and 2 Turner Road. However, similarly to the view available by The Setting Sun, the dormer is read in relationship to other dormers of a similar size, shape and finish.

Therefore, we consider that the presence of the dormer as proposed should be acceptable.

Yours faithfully,

Courtney Darby

Darby Architectural Limited

22.01.2024