



Appeal Decision

Site visit made on 1 May 2012

by C J Leigh BSC(HONS) MPHIL MRTPI

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

Decision date: 10 May 2012

Appeal Ref: APP/Q1445/D/12/2171756
20 Lenham Road West, Brighton, BN2 7GJ

- 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 Mrs V Fogg against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/03523 was refused by notice dated 26 January 2012.
 - The development proposed is described as 'first floor extension (retrospective)'.
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Preliminary matters

1. The application form submitted to the Council stated that the works the subject of the application had started but were not complete. The Council's Delegated Report on the application points to discrepancies between the submitted drawings and constructed work that was evidently viewed on site at the time of the Council's decision. I saw at my site visit that the extension had been constructed, though with some differences from those drawings submitted with the planning application and refused permission by the Council. For the avoidance of doubt I am not determining this appeal on the basis of what has been built, but on the basis of the drawings submitted to the Council and refused permission by them and which seek planning permission for a first floor extension, since to do otherwise would be prejudicial to the interests of all parties.

Decision

2. The appeal is dismissed.

Main issues

3. The main issues in this appeal is the effect of the development on, firstly, the character and appearance of the surrounding area and, secondly, the living conditions of adjoining occupiers with particular reference to privacy.

Reasons

Character and appearance

4. The appeal property is a detached house that lies within a residential area of mixed character. That area contains dwellings of varying design, scale and association to other properties: their curving nature of the roads and sloping landform mean that there is no clear consistency in the spacing of properties or relationship to the road.

5. The first floor extension shown in the submitted drawings would reduce the original gap at first floor level between the appeal property and the adjoining neighbour to the west. Due to the considerable variation in the street scene in the area a reduction to some degree of this gap is not necessarily harmful to the character of the area. However, in this instance the drawings show a scheme that would be seriously harmful to the street scene. The extension would project very close to the adjoining house with an awkwardly shaped chamfered rear element to the extension, so reducing the spacious character to a significant degree. The awkward design and proportions of this part of the extension would be emphasised by the large expanse of flat roof to the extension. The harmful visual impact of that roof would not be mitigated by the small false pitched roof at the front elevation of the extension; indeed, the proportions and extent of this false pitch, incorporating lower eaves height than the host property, would highlight the incongruity of the flat roof and the form of the side extension.
6. The poor design of the extension would be further accentuated by the very limited set-back of its front elevation from the original house. This would result in the extension competing in form and appearance to the main part of the building and so appearing as an excessively bulky addition and not subservient to the house. The small window at first floor and the off-set garage door at ground floor would be additional inharmonious and harmful design aspects of the extension.
7. The development the subject of this appeal would therefore cause significant harm to the character and appearance of the host property and to the surrounding residential area. This would be contrary to the objectives of Policy QD14 of the Brighton and Hove Local Plan 2005 which, amongst other matters, seeks to ensure new extensions are well designed, sited and detailed in relation to the property being extended and takes into account the existing space around the building and the character of the area, including the specific requirement that an appropriate gap is retained between the extension and the joint boundary.
8. The appellant has drawn my attention to appeal decisions elsewhere in the country where Inspectors have drawn the conclusion that, in broad terms, a proposed extension in the cases before them have not led to a harmful effect upon the character of the area or created a 'terracing' effect. The appellant has also made reference to extensions to other properties in the closer vicinity. I have determined the current proposal on its own merits having regard to the circumstances of this case and the particular location within which the appeal property lies and so place little weight on those other cases; my conclusions on the first issue remain unchanged.

Living conditions

9. There is a notable degree of mutual overlooking at present to the rears of the properties along Lenham Road West, Romney Road and Little Crescent. The extension would introduce a first floor window closer to the boundary with the adjoining property of 18 Lenham Road West and, due to the orientation of the two houses, would look over the garden to that property. However, I saw at the site visit that there are already clear views over the adjoining garden and private amenity areas to the neighbour from the first floor windows and raised rear ground floor to No. 20.

10. Given the existing degree of overlooking to No. 18 from No. 20 and other houses in the area, the additional overlooking arising from the proposed development would not lead to a material change in the level of privacy experienced by adjoining occupants, or any change to the perception of overlooking.
11. The positioning of the extension is such that, based on the information submitted to me and from observations at the site visit, there would not be any appreciable change to the levels of light experienced by the adjoining house or its garden.
12. On the second issue it is therefore the case that there would not be any harm to the living conditions of adjoining occupiers. Thus, no conflict would occur with Policy QD27 of the Local Plan, which states planning permission will not be granted where it would cause material nuisance or loss of amenity to adjacent users. Nor would there be any conflict with the relevant provisions of Policy QD14, insofar as it seeks to ensure new extensions do not result in significant loss of privacy, outlook, light or amenity to neighbouring properties.

Conclusions

13. Although I have found in favour of the appeal on the second issue, the harm arising on the first issue and consequent conflict with the Local Plan outweighs that finding and warrants the withholding of planning permission. Therefore, and having had regard to all other matters raised, the appeal is dismissed.

C Leigh

INSPECTOR

