



Appeal Decision

Site visit made on 3 July 2012

by Elizabeth Lawrence BTP MRTPI

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

Decision date: 9 July 2012

Appeal Ref: APP/Q1445/D/12/2175886

41 Westfield Avenue North, Saltdean, Brighton, BN2 8HS

- 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 Dean Edwards against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/00204, dated 25 January 2012, was refused by notice dated 25 April 2012.
 - The development proposed is described as erection of single storey side and rear extension and provision of loft conversion incorporating roof extension and alterations, rooflights and increased ridge height.
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Decision

1. The Appeal is dismissed.

Main Issues

2. The first main issue is the effect of the scheme on the character and appearance of the street scene and the rear garden environment. The second main issue is the effect of the scheme on the living conditions of the occupiers of the neighbouring properties with particular regard to visual impact and privacy.

Reasons

Character and appearance

3. The Appeal site is located within a row of modest sized bungalows which are set below the level of the street and as a result their roofs form a prominent feature in the street scene, behind the front boundary planting. These roofs are fully hipped to the side with projecting gables or hips to the front which give the dwellings their asymmetrical appearance. Together with the gaps between the dwellings above ground floor level, the roofs of the dwellings contribute to the low key and spacious character and appearance of the street scene.
 4. The proposed roof of the extension would be symmetrical, with an uncharacteristic flat element and would be both wider and deeper than that of the roofs of the adjacent dwellings. As a result it would upset the uniformity
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- and rhythm of the existing roof-scape. In particular it would appear bulky and out of keeping with the existing dwellings and its relationship with the dwelling to the northwest would appear uncharacteristically cramped.
5. Due to the topography of the site the rear elevation and roof-slope would be elevated, which would increase their prominence within the rear garden environment. At the same time the resultant dwelling would be deeper than the existing host dwelling and would project approximately 3 metres beyond the rear building line of the dwellings on either side. As a consequence the dwelling would appear as a prominent and discordant feature within the rear garden environment.
 6. This view is based upon the drawings submitted. However no existing or proposed levels are provided and it is possible that the rear elevation would be deeper than shown on the drawings, or alternatively the ground level within the rear garden would need to be raised. Either would exacerbate the situation.
 7. I conclude on this issue that the proposed scheme would unacceptably detract from the character and appearance of the street scene and the rear garden environment. Accordingly the scheme would conflict with policy QD14 of the Brighton and Hove Local Plan, which amongst other things seeks to ensure that new development is well designed and sited in relation to the property and adjoining properties and takes into account the character of the area and the existing space around buildings.

Living conditions

8. Due to its mass, elevated position and proximity to the rear boundary of the site the resultant dwelling would dominate the outlook from the rear windows and garden of the dwelling immediately to the rear of the site. The proposed rear bi-folding doors to the living room would be less than 20 metres from the rear windows of this property and would look out over its rear garden. The outlook from the rear rooflight would similarly be directly over the rear garden opposite. As a consequence the resultant dwelling would be visually overbearing and would result in a material level of actual and perceived overlooking. This would seriously and unacceptably harm the living conditions of the occupants of that property.
9. The impact on the occupiers of the adjacent dwellings in Coombe Vale would not be as great due to their juxtaposition with the Appeal dwelling. Nonetheless both in terms of its overbearing visual impact and loss of privacy the scheme would materially harm the living conditions of those residents.
10. Finally, the scheme would have an unduly enclosing impact on the outlook from the gardens of the dwellings on either side. This is due to the depth and mass of the resultant dwelling, its proximity to the dwellings on either side of the Appeal site and the fact that they all have shallow rear gardens. The situation would be made worse due to the introduction of rooflights in the side roof-slopes, which would result in actual and perceived overlooking. The resultant dwelling would be visually oppressive and would materially detract from the living conditions of the occupants of those dwellings.
11. I conclude on this issue that the proposal would materially harm the living conditions of the occupiers of the adjoining and adjacent properties in Coombe

Vale due to loss of privacy and its overbearing visual impact. It would also materially harm the living conditions of the occupiers of the properties on either side of the Appeal site due to its visually enclosing and overbearing impact. As such it would conflict with policy QD14 of the Local Plan which aims to protect the living conditions of existing residents from development which would result in significant harm to their living conditions.

Other matters

12. The Appellant has referred to the availability of permitted development rights, which is a material consideration in the consideration of this Appeal. In accordance with the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 any proposed side extension could not exceed 4 metres in height and if it projected within two metres of the side boundary its eaves height could not exceed 3 metres. A single storey rear extension could not exceed 4 metres in height or depth and the eaves height could be no higher than that of the existing dwelling. A two storey rear extension could not be built within 7 metres of the rear boundary of the property, or exceed the existing ridge height.
13. Conversely the proposed extension would have an eaves height of more than 3 metres at the rear, a ridge height of over 6 metres and would have more than one storey, with windows in all four roof-slopes. It would therefore not be directly comparable to any extensions constructed within the perimeters of the current permitted development rights in terms of its impact on the street scene and the living conditions of local residents. Accordingly the availability of permitted development rights would not outweigh the harm identified in relation to both main issues.

Conclusion

14. The conclusions on both main issues amount to compelling reasons for dismissing this Appeal which would outweigh the benefits arising from the additional accommodation for the Appellant and his family. In reaching this conclusion the policies in the National Planning Policy Framework (NPPF) have been taken into consideration, although, in light of the facts in this case the NPPF does not alter the findings.

Elizabeth Lawrence

INSPECTOR

