



Appeal Decision

Site visit made on 23 October 2012

by Lynne Evans BA MA MRTPI MRICS

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

Decision date: 2 November 2012

Appeal Ref: APP/Q1445/D/12/2182165

35 Wivelsfield Road, Saltdean, Brighton, BN2 8FP

- 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 David Heward against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/01134 dated 5 April 2012 was refused by notice dated 7 June 2012.
 - The development proposed is removal of existing roof and erection of first floor accommodation with pitched roof over.
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Decision

1. The appeal is allowed and planning permission granted for removal of existing roof and erection of first floor accommodation with pitched roof over at 35 Wivelsfield Road, Saltdean, Brighton BN2 8FP in accordance with the terms of the application ref: BH2012/01134 dated 5 April 2012 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those on the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plan: 477/01.
 - 4) The first floor window in the western side elevation of the extension hereby permitted shall be obscure glazed and non-opening and shall thereafter be retained in that condition.
 - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no roof lights or dormers or side facing windows, other than those expressly authorised by this permission, shall be constructed.

Main issues

2. The main issues raised in this appeal are:
 - a) the effect of the proposal on the street scene, and

- b) the effect of the proposal on the living conditions of the adjoining residents at Nos 33 and 37 Wivelsfield Road, with particular regard to loss of outlook and overshadowing.

Reasons

Issue a) Street Scene

3. The appeal property is a detached single storey property on the north side of Wivelsfield Road, within a predominantly residential area, with a mix of detached chalet bungalows and bungalows of varied designs. The land drops sharply from west to east, as well as from north to south, so that many of the properties are split-level, with garages under the properties. As a result of the topography of the land, the roof line of the properties on both sides of the road generally steps down the hill. However, I noted from my site visit that there are a number of examples where this arrangement is not followed, so that although the overall impression is of properties stepping down the hill, there is considerable variety in the height relationship between adjoining properties.
4. The proposed extension works would be appropriate in scale and massing with regard to the existing building and plot size. I consider that the proposal would be a good quality design and the property as extended would make a positive contribution to the varied street scene. The roof works would incorporate two dormers at the front and three at the rear, but I consider that they would be well proportioned in relation to the roof form and set down from the ridge line, so that they would not overwhelm either the proposed roof form or the dwelling.
5. The ridge height of the appeal property would be raised to broadly the same height as the adjoining property 'up the hill' with a steeper step down to the adjoining property 'down the hill'. However, I do not consider that in the context of the street scene, the dwelling would appear visually dominant but would continue the general pattern of properties stepping down the hill.
6. I therefore conclude that the proposal would respect the local characteristics of the street scene and that there would be no conflict with Policies QD1, QD2 and QD14 of the adopted Brighton & Hove Local Plan 2005 (Local Plan). These policies all seek for new development to be of a high quality in relation to the local context.

Issue b) Living Conditions

7. The adjoining property at No 37 has a side window facing towards the appeal property, which would appear to serve a habitable room and to be the only window to that room. I have been provided with no technical evidence regarding the concerns relating to over-shadowing. I appreciate that there is a limited gap between the properties but it is my assessment that both the outlook and light to that room are already significantly compromised by the existing dwelling. Given the proposed form of the roof, I do not consider that the extent of additional built development along the side of the property would materially impact on either the outlook or the extent of overshadowing.
8. The property on the other side, at No 33, has windows to its living room both facing towards the front as well as on the side elevation facing towards the appeal property. I am not persuaded, on the limited information before me, and taking into account the design and roof form of the appeal proposal, as

well as the arrangement of windows serving the adjoining property, that the existing situation would be materially changed, both in terms of outlook and overshadowing for the neighbours at No 33, as a result of the proposed extension.

9. I am therefore satisfied that there would be no material harm to the living conditions of the adjoining neighbours, with particular regard to loss of outlook and overshadowing. There would be no conflict with Policies QD14 and QD27 of the Local Plan, both of which seek to protect the amenities of adjoining neighbours as a result of proposed development.
10. The adjoining neighbour has also raised concerns about overlooking and loss of privacy of his rear garden. However, the proposed additional windows at the rear would primarily overlook the rear garden of the appeal property, and views towards adjoining gardens would be at an oblique angle, which is common to most suburban residential layouts. I am therefore satisfied that there would also be no material harm to the living conditions of the neighbours in this regard and the Council has also raised no issue in this matter. In terms of the new window at first floor level in the side elevation facing towards No 33 this is shown to serve a bathroom and would be obscure glazed.
11. With regard to conditions, I agree that a condition should be imposed to require matching materials to protect the character and appearance of the property and the street scene. I also concur that a condition is necessary to require the window at first floor level in the flank elevation of the extension to be obscure glazed and non-opening to protect the living conditions of the immediate neighbours. A further condition should be imposed to restrict the addition of further windows in the flank elevations and at roof level, beyond those shown on the scheme plans both to protect the character and appearance of the dwelling as well as the living conditions of adjoining neighbours. Finally, I shall add a condition to list the approved plan on the basis that, otherwise than as set out in this decision and in conditions, it is necessary that the development shall be carried out in accordance with the approved plan, for the avoidance of doubt and in the interests of proper planning.
12. For the reasons given above and having regard to all other matters raised, including in representations from the adjoining neighbour, I conclude that this appeal should be allowed.

L J Evans

INSPECTOR

