



Appeal Decision

Site visit made on 1 October 2013

by S Stevens BSc (Hons), MSc, DipTP, DMS, MCMI, MRTPI

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

Decision date: 28 October 2013

Appeal Ref: APP/Q1445/D/13/2203885

32 Hill Brow, Hove, BN3 6QH

- 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 and Mrs S Maggs against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/00538, dated 5 April 2013 was refused by notice dated 30 May 2013.
 - The development proposed is extensions to north and south of the existing property.
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Decision

1. The appeal is allowed and planning permission is granted for two storey extensions to the north and south of the existing building, front and rear gables, rear balconies, creation of a basement level and associated external alterations at 32 Hill Brow, Hove, BN3 6QH in accordance with the terms of the application, Ref BH2013/00538, dated 5 April 2013, 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 development hereby permitted shall be carried out in accordance with the following approved plans: Y044-A01, Y054-A02, YO39-A03, Y044-A04; Y044-A05; Y044-A06, Y044-A07; Y044-D01, Y044-D02, Y044-D03 and Y044-D04.
 - 3) 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 windows/dormer windows other than those expressly authorised by this permission shall be constructed on the side elevations.
 - 4) Before the first occupation of the south extension hereby permitted the first floor window on the south elevation shall be fitted with obscured glass and shall be fixed shut and permanently retained in that condition.
 - 5) No development shall take place until a Waste Minimisation Statement, in accordance with Supplementary Planning Document 03: Construction and Demolition Waste, confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

Procedural matter

2. The planning application form describes the proposed works as extensions to the north and south of the existing dwelling. The plans, Council officer's report and decision letter indicate the proposal is for two storey extensions to the north and south of the existing building, front and rear gables, rear balconies, creation of a basement level and associated external alterations. This description more accurately describes the proposal and this is what I will use.

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of the area and the existing building.

Reasons

4. The appeal site is within a residential area comprising a mix of two and single storey dwellings on generous plots. The appeal site is located on the southern side of Hill Brow and the land slopes down from the northern side so that properties to the north sit higher than the road whilst those on the south sit at, or below the road level.
5. In January 2013 the Council granted planning permission for the erection of a two storey south extension, a single storey north extension with formation of basement below, front and rear gables, rear balconies and associated external alterations – application reference BH2012/03610. The Council has not submitted any evidence in respect of these elements of the development that have previously been approved and I see no reason to come to a different decision regarding them.
6. The proposal that is the subject of this appeal differs from the approved scheme as it includes a proposed first floor extension over the previously approved garage to the north elevation and a front dormer window. The extension would be sited within approximately 0.5 metres of the side boundary with No 34 which is a bungalow set below and at a slight angle facing away from No 32.
7. Many of the properties on Hill Brow have been extended, altered or replaced with a variety of 'traditional' and 'modern' designs. There is no regular development pattern with some single storey dwellings located close to neighbouring two storey dwellings. There is also a variation in spaces between the dwellings with some built right up to the side boundary. The proposal would not therefore be out of keeping with other developments on Hill Brow or in the nearby area.
8. The proposed extension would also create a more balanced appearance with a hipped roof to match the approved extension to the south. Whilst the size of the resultant property would be larger than some nearby dwellings it would not appear cramped on the site or out of scale with its surroundings. The proposed front dormer window would reflect the overall form of the approved front gables and other similar dormers in the vicinity of the appeal site. I conclude that the proposal would not harm the character or appearance of the property or area. The proposal would not therefore conflict with Policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan (LP) and Supplementary Planning Guidance Note 1: *Roof Alterations & Extensions* (SPD) which seek to ensure new development is of a high design and reflects the local character.

9. Concern has been raised that the proposal would cause overshadowing and loss of light to the bathroom of No 34. There would be a minimal loss of day and sunlight due to the orientation of the site and the splayed position of No 32 and 34 and I do not consider the level of harm caused sufficient to justify dismissing the appeal. It is also stated the documents submitted by the appellant are misleading as they do not contain details of the adjoining property. However, the documents submitted and my site visit have provided sufficient information on the relationship of the adjoining properties and the appeal property so that the impacts can be assessed.

Conclusion

10. Having taken into account all matters raised I conclude the proposal would not harm the character or appearance of the existing property or area. The proposal does therefore comply with Policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan (LP) and the Supplementary Planning Guidance Note 1: *Roof Alterations & Extensions* (SPD).
11. For the reasons given above I conclude that the appeal should be allowed.

Conditions

12. In addition to the statutory time limit a condition requiring the development to be carried out in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. The Council has also suggested three conditions should the appeal be allowed. In order to protect the amenities of No 30 I will impose conditions requiring obscured and fixed glazing to the first floor window in the south elevation and to restrict any new openings in the side elevations. It is also requested that a condition be imposed regarding the submission of, and implementation of a waste minimisation scheme in accordance with the LP and Supplementary Planning Document 03 *Construction and Demolition Waste*. The proposal involves the creation of a basement level which would involve some excavation *work* and I consider this condition is reasonable to ensure the reuse of waste materials and a reduce in the amount of waste to landfill.

Sarah Stevens

INSPECTOR