
Appeal Decision

Site visit made on 11 November 2013

by G J Rollings BA(Hons) MAUD MRTPI

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

Decision date: 15 November 2013

Appeal Ref: APP/Q1445/D/13/2206686

1a Warmdene Way, Brighton, BN1 8NW

- 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 Robert Walters against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/01886, dated 4 June 2013, was refused by notice dated 5 August 2013.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the host property and surrounding area; and
 - The effect of the proposed development on the living conditions of the occupants of No. 1 Warmdene Way, with particular reference to outlook.

Reasons

Character and appearance

3. The appeal site accommodates a modern bungalow, within a short cul-de-sac street. There is a mix of dwelling types clustered at the end of the street, where its narrow width restricts views of the site. The proposal incorporates a side extension of almost the full depth of the appeal dwelling, on the side immediately adjacent to 1 Warmdene Way.
4. Although the street itself is narrow, the majority of its buildings are set within gardens, giving the locality a suburban character. The extension would be very close to the existing side wall of No. 1. The appellant notes that the separation of the two dwellings would be about 1.5 metres. This close separation is not reflected within the layout of the surrounding buildings, and the closing of the gap between No. 1 and the appeal dwelling would appear jarring and cramped, within the otherwise open character. Although a boundary hedge restricts some views from the street, and the extension would be reasonably subservient to the main dwelling, there would be sufficient views of the

proposed extension from the public realm that it would appear incongruous within the street scene.

5. The proposed extension would also have an unusual roof arrangement that would add a new side-facing hip onto an existing hip. This would appear awkward and detrimental to the overall appearance of the house. For these reasons, I therefore conclude that the proposed development would have a harmful effect on the character and appearance of the host property and surrounding area. It would not comply with *Brighton & Hove Local Plan (2005) Policy QD2*, which requires new development to take into account local characteristics, such as the design of existing buildings, among other factors. The proposal would also not comply with Policy QD14, which states that permission for extensions will only be granted if they are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.
6. I note the appellant's point regarding the status of the local plan. In my view, the aforementioned policies have a good degree of consistency with the *National Planning Policy Framework (the Framework)*, which seeks high quality design, as one of its core planning principles (paragraph 17). For the reasons set out above, the proposed development does not achieve this standard, and the proposal is therefore not in compliance with either the adopted Local Plan, or the Framework.

Living conditions

7. The proposed extension would be in close proximity to 1 Warmdene Way. Having visited this property, I consider that there are two habitable rooms that would be affected by the proposed extension. The first is the main bedroom, which has its main outlook towards the street. Although the proposed extension would be visible from its main window, it would not be sufficiently visible or enclosing to result in significant harm to living conditions. A secondary window also serves this room, which would directly face the proposed extension. This is small in size, and is clearly ancillary to the main window in the room. The extension would be visible through this window, but because of its size and secondary nature, the extension would not result in unreasonably harmful effects to the living conditions of users of this room.
8. Of greater concern is the impact on a smaller bedroom, which has a main window directly facing the shared boundary with the appeal site, and the location of the proposed extension. This room also has a secondary window, which is rear facing. However, the main outlook from this bedroom is towards the boundary, and this would be severely compromised by the extension. Although only part of the extension would be visible above the boundary fence, the extension would be built close enough to the boundary to restrict outlook, and result in a significant sense of enclosure for users of this room.
9. I therefore conclude that the proposed development would have a harmful impact on the living conditions of occupants of 1 Warmdene Way, with particular reference to outlook. The proposal would not comply with the Council's Local Plan Policy QD27, which states that permission for any development will not be granted where it would cause material nuisance and loss of amenity to existing and adjacent residents. This policy is consistent with the Framework, which states as a core planning principle (paragraph 17)

that planning should always seek a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

10. I note the appellant's point regarding the sustainability of the proposed development, and paragraphs 14 and 65 of the Framework. In particular, paragraph 65 notes that permission should not be refused for buildings which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design. In this case, the concerns have not been mitigated by the provision of good design. In any case, such considerations would not be sufficient to outweigh my strong concerns regarding the effects of the proposed development on both the character and appearance of the dwelling and wider area, and the living conditions of neighbours.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Rollings

INSPECTOR