



## Appeal Decision

Site visit made on 11 March 2014

by **E A Lawrence BTP MRTPI**

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

Decision date: 17 March 2014

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**Appeal Ref: APP/Q1445/D/14/2213087**  
**77 Tumulus Road, Brighton, BN2 8FR**

- 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 R Chick against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/03640 was refused by notice dated 13 December 2013.
  - The development proposed is removal of existing roof and construction of new first floor with pitched roof above. Alterations to existing windows.
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### Preliminary matter

1. On 6 March 2014 the Planning Practice Guidance (PPG) was published by the Department for Communities & Local Government. In relation to this Appeal the PPG refers to the design statements set out in the National Planning Policy Framework (NPPF), which are addressed in this decision.

### Decision

2. The Appeal is dismissed.

### Main issues

3. The first main issue is the effect of the scheme on the character and appearance of the host building and the surrounding area. The second main issue is the effect of the scheme on the living conditions of the occupiers of 75 Tumulus Road (No.75) with particular regard to daylight and sunlight.

### Reasons

#### *Character and appearance*

4. The Appeal site is located within an area that is characterised by a mixture of two storey houses and bungalows set within open and steeply undulating roads. Tumulus road is located at the northern end of the estate and adjoins the open downland to the northwest. It is situated on land which slopes down steeply to the north and where there are expansive views of the roof-scape from the upper part of the road.
5. The Appeal site occupies a prominent position within the street scene close to the junctions of Tumulus Road with Perry Hill and Wivelsfield Road. The Appeal bungalow sits at a lower level to the adjacent bungalow at No.75 and its ridge height is considerably lower than that of the two storey property at No.79/81.

- As a result the height of all three buildings varies and the Appeal dwelling appears particularly modest in height and form.
6. With the Appeal scheme the eaves height of the building would be raised above those of Nos.75 and 79/81 and it would have an uncharacteristically shallow pitched roof. Due to their position and shallow pitched roofs the proposed dormers on the side elevations would reduce the perceived pitch of the main roof and the proposed first windows on the front elevation would similarly reinforce the shallow pitch of the roof. As a result the proposed resultant dwelling would appear squat, incongruous and totally out of keeping with the adjacent and nearby bungalows and two storey properties.
  7. In addition, from Wivelsfield Road the roof of the proposed resultant dwelling would appear cluttered and top heavy due to the number of roof lights and the rear roof overhang.
  8. As a result of these factors the proposed scheme would appear contrived, poorly proportioned and totally out of keeping with the host building and the street scene. As stated in section 7 of the NPPF the Government attaches great importance to the design of the built environment. Permission should be refused for development of poor design that fails to take the opportunity for improving the character and quality of an area.
  9. The scheme would also conflict with policies QD2 and QD14 of the Brighton and Hove Local Plan and the Council's Supplementary Planning Document 12: *Design guide for extensions and alterations*. Together and amongst other things they seek to ensure that extensions are well designed and detailed both in relation to the host and adjoining properties. They should be designed to emphasis and enhance the positive qualities of the local neighbourhood by taking into account local characteristics such as height, scale, bulk, design, topography and impact on the skyline.
  10. I conclude on this main issue that the proposal would materially harm the character and appearance of the host dwelling and the surrounding area, contrary to policies QD2 & QD14 of the Local Plan, the SPD and the NPPF.

#### *Living conditions*

11. The Appeal dwelling is located some two metres to the northeast of No.75 and the eaves height of that property is approximately one metre higher than that of the Appeal dwelling. As a result the flank wall and roof of the dwelling at No.75 dominate the outlook from the windows and glazed entrance door on the southwest side of the Appeal property. No.75 also results in a material level of overshadowing and reduced daylight within the rooms served by these windows. However the relationship is not unusual for deep bungalows sited alongside each other and the modest overall ridge height helps minimise any loss of light.
12. With the Appeal scheme the juxtaposition and relationship between No.75 and the Appeal property would be reversed, with the eaves height of the resultant Appeal dwelling being approximately one metre higher than that of No.75. However, No.75 benefits from an open and favourable outlook to the northwest, southwest and southeast. Accordingly in these respects and on balance, any loss of daylight or sunlight, would not have a significant impact on the living conditions of the occupants of that property.

13. However, the proposed roof overhang to the rear would exacerbate the loss of daylight and sunlight within the rooms served by windows towards the rear of No.75. For this reason the overall scheme would result in a significant loss of daylight and sunlight within various rooms at No.75.
14. Accordingly, I conclude on this main issue that the scheme would materially and unacceptably harm the living conditions of the occupants of No.75, due to loss of daylight and sunlight. The scheme would therefore conflict with policies QD14 and QD27 of the Local Plan, which together and amongst other things seek to ensure that new development does not have a materially harmful impact on the living conditions of the occupiers of neighbouring properties.

### **Conclusion**

15. The conclusions on both main issues represent compelling reasons for dismissing this Appeal, which could not be satisfactorily addressed through the imposition of conditions.

*E Lawrence*

INSPECTOR