



Appeal Decision

Site visit made on 1 April 2014

by **E A Lawrence BTP MRTPI**

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

Decision date: 4 April 2014

Appeal Ref: APP/Q1445/D/14/2214036

81 Dudley Road, Brighton, BN1 7GL

- 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 Ms A Williams against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/03866 was refused by notice dated 27 January 2014.
 - The development proposed is single storey side & rear extensions.
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Preliminary matter

1. On 6 March 2014 the Planning Practice Guidance (planning guidance) was published by the Department for Communities & Local Government. In relation to this Appeal the planning guidance 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 property. The second main issue is the effect of the scheme on the living conditions of the occupiers of the adjacent properties with particular regard to privacy.

Reasons

Visual impact

4. The NPPF states that the Government attaches great importance to the design of the built environment. Development should be visually attractive as a result of good architecture and add to the overall quality of the area. Consistent with this policy QD14 of the Brighton and Hove Local Plan and the Council's Supplementary Planning Document 12: *Design guide for extensions and alterations* seek to ensure that extensions are well designed and detailed in relation to the host property.
5. Whilst the proposed front building line would be flush with that of the existing dwelling, due to the narrow width and form of the side extension, it would appear as a modest and subservient lean-to addition to the dwelling. It is

noted that the SPD advises that front extensions should be set back from the front elevation by at least 0.5 metres. However as the proposed extension would not have a material impact on the integrity of the original dwelling, in this respect, the scheme would comply with the objectives of the SPD. Also, as pointed out by the Appellant's building consultant a side extension could be constructed flush with the front wall of the property within the current permitted development tolerances.

6. Notwithstanding this, the proposed parapet wall would be out of keeping with the design and appearance of the host property when viewed from the street scene. To the side the proposed parapet wall would be over four metres in height at its western end. As a result it would be visually prominent and stark when viewed from the street scene and visually overbearing along the adjacent private path.
7. Although the proposed rear extension would span the full width of the site, it would not look out of keeping with the host property or the surrounding rear garden environment. This is because the adjacent buildings are terraced and thus have a strong horizontal appearance. The scheme would reduce the narrow vertical appearance of the dwelling and would be constructed from materials that would match the original dwelling. At the same time the large, dominant flat roofed storage building in the rear garden would be removed, along with the existing rear conservatory. In these respects the proposed extension would respect and potentially improve the character and appearance of the host dwelling and its immediate setting.
8. However, due to the varied sizes and proximity to each other, the rear roof-lights would result in the rear roof slope appearing cluttered and unduly dominant. The extension would appear top heavy and the roof lights would fail to visually relate satisfactorily to the existing first floor windows. For this reason the rear extension as a whole would fail to respect the host dwelling or add to the overall quality of the area.
9. Accordingly, I conclude on this main issue that the scheme would have unacceptably harm the character and appearance of the host property. It would therefore conflict with policy QD14 of the Local Plan, the SPD and the NPPF.

Living conditions

10. The Appeal site is located in an area where the land slopes down to the south and west. As a result the rear ground floor levels of some of the dwellings are elevated above the adjacent ground levels. This results in some overlooking and inter-looking between properties.
11. The proposed rear extension would have solid side walls and the rear facing windows would be set in from the side boundaries of the site. In addition, the proposed floor height would match that of the host dwelling. As a consequence the rear extension would not have a materially adverse impact on the living conditions of the occupiers of the adjacent properties due to loss of privacy.
12. The proposed deck would be approximately one metre in depth and so would have limited potential for recreational use. Notwithstanding this, the northern end of the proposed deck would project up to the boundary with 20 Hollingbury Place, where there would be direct views into the rear gardens and towards the rear windows of the properties at 18 & 20 Hollingbury Place. This would result

- in a significant level of actual and perceived loss of privacy for the occupants of those dwellings.
13. The proposed deck would be sited some eight metres from the rear boundary of the property and the adjacent gardens sit at a lower level behind a tall boundary fence. As a consequence the proposed terrace would not result in a material loss of privacy for the occupants of those properties.
 14. To the south the proposed deck and associated steps would be separated from 79 Dudley Road (No.79) by a pedestrian path and the tall flank walls of the rear extensions at No.79. As a consequence the use of the proposed deck would not have a material impact on the living conditions of the occupants of No.79. However adequate boundary screening would be required along the southern boundary of the site to ensure that the deck did not result in the direct overlooking of the adjacent private path. This is a matter that could be dealt with by condition.
 15. It is acknowledged that the existing conservatory is glazed on three sides, projects further into the rear garden area than the proposed deck and is used throughout the year. However the floor level of the conservatory is lower than that of the proposed deck, which materially restricts the level of overlooking over the boundary fence.
 16. Concern has been expressed regarding the use of the proposed rear extension for a music room. The occupants of the Appeal property could use any room in their property for such purposes, provided it is for purposes ancillary to the use of the dwelling. If the noise generated by activities within any part of the dwelling, including the proposed extension, resulted in a nuisance for local residents it is a matter that could be dealt with under other legislation.
 17. I conclude on this issue that the scheme would have a materially harmful impact on the living conditions of the occupiers of 18 & 20 Hollingbury Place, due to loss of privacy. Accordingly the scheme would conflict with policy QD27 of the Local Plan which seeks to protect the living conditions of existing residents.

Conclusion

18. 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