



Appeal Decision

Site visit made on 24 October 2014

by **S Holden BSc MSc CEng MICE TPP MRTPI FCIHT**

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

Decision date: 29 October 2014

Appeal Ref: APP/Q1445/D/14/2225321

45 Benett Drive, Hove, East Sussex BN3 6US

- 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 Mrs Keely Smith against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/01321 was refused by notice dated 22 July 2014.
 - The development proposed is alterations and extensions to existing detached dwelling, new two storey rear extension, reconfiguration of roof to remove box dormers and low-level extension to side of house over the garage.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. A scheme for enlarging and altering No 45 which included a two storey rear extension and reconfiguration of the roof, was granted planning permission in April, following the submission of revised plans, Ref: BH/2014/00063. Works to implement this scheme were underway at the time of my site visit. The only difference between the approved scheme and the appeal proposal relates to the addition of a side extension above the existing garage. I have therefore confined my considerations to an assessment of the effects of this side extension.

Main issues

3. The main issues are the effects of the proposed side extension on:
 - a) the character and appearance of the area;
 - b) the living conditions of the occupant of No 47 in respect of visual intrusion and loss of outlook.

Reasons

Character and appearance

4. Benett Drive comprises a variety of dwellings dating from the 1950s including bungalows, chalet bungalows and two-storey houses. The size of the gaps between them varies, but in many places is far from generous. Nevertheless, the presence of these gaps contributes to the character of the street scene. There is a staggered building line along the north side of the street, so No 45 is

- sited to the rear of No 47. Both properties are orientated at an acute angle to the road.
5. The outer wall of the garage of No 45 forms the shared boundary with No 47; the flank wall of No 47 is only 1m from this boundary. The proportions of the existing garage are small when compared with the dwellings on either side. This, combined with its flat roof, prevents the detached houses appearing to form a terrace. At present there is an important gap at first floor level between these adjoining houses providing a view between them and glimpses of the vegetation to the rear. This is particularly apparent when looking in a westerly direction along the street, giving a sense of spaciousness and reinforcing the prevailing character of the street with its detached properties.
 6. The proposed extension above the garage would significantly increase the height of the wall along the shared boundary. Its cat slide roof would connect this enlarged wall with the eaves of the host property. The extension would therefore effectively fill the gap between Nos 45 and 47 at first floor level, leaving only 1m between the flank walls of the two houses. This would significantly reduce the space between them, resulting in them appearing cramped and creating a terraced effect along the street. The cat slide roof would elongate the revised pitched roof, resulting in the dwelling appearing lopsided, rather than integrating satisfactorily with the symmetrical features of the host property. The presence of vegetation and use of different colour treatment of the walls would not enable the retention of a sufficient visual break between the properties. Neither would they compensate for the loss of the gap at first floor level. The proposal would therefore be an incongruous addition that would give rise to the dwellings along this stretch of Bennett Drive appearing cramped.
 7. The Council adopted a Supplementary Planning Document: *Design Guide for Extensions and Alterations* (SPD12) in June 2013. This sets out the Council's approach to the design of two-storey side extensions and is a matter to which I attach significant weight. SPD12 advises that side extensions can harm the appearance of the street scene by excessively infilling the rhythm of spaces between buildings. This can create a terracing effect and disrupt the sense of space and separation between buildings, to the detriment of the character of the street. SPD12 seeks to protect these spaces from encroachment by development. I accept that the proposed extension would be subservient to the dwelling as a whole due to its size and set-back from the front elevation. However, it would not provide the minimum requirement of a 1m gap between the side boundary and the extension and would infill the gap between the two houses. The proposal would therefore be contrary to the aims of this guidance.
 8. I conclude that the proposal would be harmful to the character and appearance of the area, contrary to saved Policy QD14 of the Brighton & Hove Local Plan and the advice of SPD12. This policy and the SPD12 seek high quality design that respects its setting, including taking account of the space between and around buildings.

Living conditions

9. The front elevation of No 45 is almost in line with the rear elevation of No 47 due to the staggered building line. The existing garage of No 45 therefore projects along the shared boundary beyond the rear elevation of No 47. The approved two-storey extension currently under construction has already added

to the bulk of the dwelling and is clearly visible from the garden of No 47. However, as it is separated from the shared boundary by the width of the garage, it has not given rise to a harmful sense of enclosure for the occupant of this adjoining property.

10. The proposed first floor addition above the garage would significantly increase the height of the wall that forms the shared boundary. This additional height, combined with the bulk of the cat slide roof, would appear overbearing and visually intrusive, adversely affecting the outlook from within the house. It would also increase the sense of enclosure within the house and on the patio immediately to the rear of No 47. I do not consider that the replacement of the existing flat roof of the garage with a cat slide roof that would extend to the eaves would reduce this harm. The proposal would therefore make the house and garden of No 47 less pleasant places to be.
11. I note that these neighbours did not raise any objection to the scheme. However, it is my duty to consider the effects of the proposal on them and any future occupants, by ensuring that their amenity is not unacceptably affected by development on an immediately adjoining site.
12. I conclude that the proposed side extension would be an un-neighbourly form of development that would be harmful to the living conditions of the occupants of No 47, arising from visual intrusion and loss of outlook. It would be contrary to saved Policies QD14(b) and QD27 of the Local Plan, which seeks to protect the City's residents from unacceptable loss of amenity arising from development proposals.

Other matters

13. I appreciate that the family wishes to provide a physiotherapy room for their daughter, who has special needs. However, these personal circumstances are likely to be short-term compared to permanent alterations to a dwelling. They are not a justification for permitting a development that would be harmful to the wider street scene and the amenity of neighbours, and therefore carry little weight in my assessment of the scheme.
14. I note the applicant's concerns about the Council's handling of her application. This is not a matter for me to consider in the context of this appeal, which is confined to determining the scheme on its individual planning merits in the light of current planning policy. However, I am satisfied that the Council provided an adequate explanation of its decision, having regard to its adopted policies and guidance.

Conclusion

15. I acknowledge the efforts made to design a scheme that would comply with some aspects of the development plan. However, these do not diminish the harm I have found to the character and appearance of the area and the living conditions of the occupants of No 47. For these reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR