



Appeal Decision

Site visit made on 10 March 2015

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 19 March 2015

Appeal Ref: APP/Q1445/D/14/2228497

52 Fernwood Rise, Brighton, East Sussex BN1 5EP

- 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 James Cork against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/02047, dated 11 June 2014, was refused by notice dated 15 August 2014.
 - The development proposed is single storey front extension and roof alterations to provide additional bedrooms and bathroom.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) the effect of the proposed development on the character and appearance of the site and surrounding area;
 - (ii) the effect of the proposed development on the living conditions of the occupiers of 54 Fernwood Rise in respect of sunlight, daylight and outlook.

Reasons

Character and appearance

3. Fernwood Rise is not in a conservation area or subject to any other formal designations, or subject to an Article 4 Direction. However, it has a distinctive character defined principally by the generally hipped roof bungalows which provide a pleasing degree of continuity to the street scene, where the buildings also have a fairly modest height and massing. Not all of the dwellings are identical, and some have been extended, including roof extensions and dormers, or have rooflights, evidencing provision of first floor accommodation. However, those additions at main roof level are generally to the side, maintaining the front facing roof slope and the modest scale of the front projections. A small number of those front projections have either a gable or part gable end but these are in the minority and are also of a fairly modest size and scale. Those relating to Nos 3, 5 and 7 are also located out of sight of No 52 at the other end of the street and so not seen in the same context.

4. The proposed development would result in the whole of the dwelling being gable fronted, with the main large gable also being set significantly forward of the existing main body of the building, close to the front of the lower, forward projecting element. It would therefore differ strongly from the general design and appearance of the existing dwelling and the other properties in the street. As such, it would stand out as a dominant, jarring and incongruous feature in the context of the existing distinctive streetscene, even though the first floor would be within the roof space.
5. For the above reasons, I conclude on this issue that the proposed development would cause unacceptable harm to the character and appearance of the site and surrounding area. As such, it would be contrary to Policy QD14 of the Brighton & Hove Local Plan (the Local Plan) and the Council's Supplementary Planning Document 12: Design Guide for Extensions and Alterations (the Design Guide), to which I have applied significant weight due to its recently adopted status. That policy and Design Guide together, in respect of this issue, state that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if, amongst other things, the proposed development is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.

Living conditions

6. No 54 has two habitable room windows on the side elevation facing the appeal site. Due to the raised height of No 54 relative to No 52, those windows partially look out to the sloping roof of No 52.
7. One of those windows, serving a mid-house room, is the sole window for that room. Although it currently faces the side of the main body of No 52, it is towards the front part of this. As it is currently a hipped roof at the front, the outlook is therefore not currently dominated by roof slope despite the close proximity of the two buildings, and a good degree of sunlight and daylight is also afforded to that room. However, the proposed front extension with a gable fronted roof would project significantly forward of the window concerned such that, together with the increased roof height, it would have a significantly greater massing effect that would dominate the outlook from that window. It would therefore have an overbearing and enclosing effect. However, due to the slope of the roof away from the boundary, it would be unlikely to reduce the amount of daylight and sunlight into the room concerned to an unacceptable degree.
8. The other habitable room window of No 54 referred to above, relates to a front room which also has a large front facing window. The side window currently looks over a front garden area of No 52 which the proposed front extension would infill, such that the building would be significantly closer when seen from that window. The outlook would again be directly towards the roof slope of the extension. However, importantly, a good level of outlook is and would continue to be afforded to that room via the large front window. With regard to daylight and sunlight, the side window would still allow light in but the room is also not reliant upon it due to the front window.
9. The proposed development would therefore not cause unacceptable harm to the living conditions of the occupiers of No 54 in respect of sunlight and daylight, and outlook from its front room. However, this does not outweigh the

unacceptable harm that would be caused to their living conditions in respect of outlook from the mid-house room referred to above.

10. The appellant claims that outlook should not be at issue as this relates to view and therefore should not be taken into account. Whilst there is no right to a view over adjoining land, the aspects of outlook that I have considered above would have a bearing on the living conditions of the residents of No 54 and so are valid considerations.
11. Therefore, for the above reasons, I conclude on this issue that the proposed development would cause unacceptable harm to the living conditions of the occupiers of No 54 in respect of outlook. As such, it would be contrary to Policies QD14 and QD27 of the Local Plan. These policies together, in respect of this issue, state that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if, amongst other things, the proposed development would not result in significant loss of outlook or daylight/sunlight to neighbouring properties; and that planning permission for any development will not be granted where it would cause material loss of amenity to adjacent residents.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR

