



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: 21 March 2015

Appeal Ref: APP/Q1445/D/14/2228178
3 Sylvester Way, Hove, East Sussex BN3 8AR

- 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 Miss A Linkman against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/02616, dated 4 August 2014, was refused by notice dated 30 September 2014.
 - The development proposed is single storey side, rear and front 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:
 - (i) the living conditions of the occupiers of 1 Sylvester Way in respect of sunlight, daylight and outlook;
 - (ii) the character and appearance of the site and surrounding area.

Reasons

Living conditions

3. 3 Sylvester Way is stepped up at a slightly, but noticeably higher level than No 1 which has a side, heavily glazed habitable room close to the mutual boundary and a kitchen set further away but with its sole outlook to the side. Although No 1's side habitable room also has glazed patio doors facing to the rear, due to their northerly aspect, and that it is a fairly long room, that room relies heavily on its side windows for light. The side elevation of No 3 is currently set off the boundary concerned such that it is not a dominant feature when viewed from within No 1.
4. There is a screen fence along the boundary, which, because of the difference in levels is a prominent feature when looking out from the side windows of No 1. However, sight of the sky over that fence remains possible such that the fence does not have an overbearing or significantly enclosing effect, and a good degree of daylight and sunlight is afforded to the side room in particular. Sunlight and daylight to the kitchen of No 1 is more limited due to the adjacent end walls of No 1's garage and side room together with the substantial eaves of the bungalow.

5. The proposed side extension to No 3 would be very close to the side boundary and significantly higher than the boundary fence, and it would also be of significant length, extending to beyond the rear elevation of No 1. As such, it would significantly impede vision of the sky from within those rooms of No 1 referred to above and would have an overbearing and significantly enclosing effect. Its height and close proximity to the side habitable room of No 1 would also be likely to result in a significant loss of sunlight and daylight to that room, whilst the limited existing daylight to the kitchen would be further reduced. The rooms concerned would therefore become darker and less pleasant spaces, below a standard that the residents of No 1 could reasonably expect.
6. I therefore conclude on this issue that the proposed development would cause unacceptable harm to the living conditions of the occupiers of No 1 in respect of sunlight, daylight and outlook. As such, it would be contrary to Policies QD14 and QD27 of the Brighton & Hove Local Plan (the Local Plan). These policies together, in respect of this issue, state that planning permission for extensions or alterations to existing buildings will only be granted if 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 nuisance and loss of amenity to adjacent residents.

Character and appearance

7. Sylvester Way is a cul-de-sac consisting of detached bungalows. Whilst the designs of those on the southern side of the street are all very similar, there are various designs and relationships between dwellings on the northern side, where the appeal site is located. Those properties on the northern side also all have elements of their buildings which are in close proximity to their respective side boundaries, including, in the case of Nos 9 and 11, abutting garages. That compares to the more distinctive gaps between dwellings on the southern side of the road. Nos 1 and 3 are of similar design, characterised in the main by their front gables, whereas later additions are set back and less prominent. No 3 is, however, a slightly wider plot than No 1 and, as referred to previously they are at slightly different levels.
8. The proposed extensions would, with the exception of the rear section of the side extension, all have pitched roofs with slopes consistent with the existing roof of the main body of the dwelling. The side extension, together with the main proposed roof, would add a significant degree of width and massing to the dwelling. However, it, along with the smaller front extension, would still be set noticeably back from the main front gable elevation of the existing dwelling, thereby retaining the integrity and prominence of that key feature. As a result, whilst the dwelling would have a horizontal emphasis, the proposed extensions would not dominate it to the extent that it would stand out as a discordant building in the context of the existing street scene.
9. The proposed side and front extensions and new garage would all have different roof heights. However, this would reflect the different scales of those respective elements of the proposed development and they would all have a consistent angle of roof slope. Furthermore, the garage and front extension would appear subservient to the main body of the dwelling because of their small scale and lower height. The proposed two gable end roofs sections to the

rear, along with the flat roof section, would not be so clearly visible from public vantage points although they too would not be dominating features.

10. The proposed development would extend very close to the boundary with No 1 and its detached garage. However, it would only be the garage element that would be alongside the garage of No 1, a relationship that would not be unusual in the context of the appearance of dwellings on that side of the street, notably Nos 9 and 11 as referred to above.
11. Whilst the main side extension would be closer to the boundary than others on that side of the road, it would not be to such a noticeable degree as to stand out as a jarring feature and there would still be a gap between it and the main body of the dwelling at No 1. Together with the degree of set back of all but the garage, the proposed development would not dominate the site or the dwelling at No 1 in respect of the street scene, and despite being within 1 metre of the boundary would not result in a significant or undesirable terracing effect. The resultant dwelling as a whole would therefore maintain a form and appearance appropriate to the existing context of the street scene on the northern side of the road.
12. For the above reasons, I conclude on this issue that the proposed development would not cause unacceptable harm to the character and appearance of the site and surrounding area. As such, in respect of this issue, it would accord with Policy QD14 of the Local Plan and the Council's Supplementary Planning Document 12: Design Guide for Extensions and Alterations (the SPD) to which I have applied significant weight due to its recently adopted status. That policy and SPD together, in respect of this issue, require extensions or alterations to existing buildings to be well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area; and that account is taken of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area.

Conclusion

13. I have found that the proposed development would not cause unacceptable harm to the character and appearance of the site and surrounding area. However, this would not outweigh the unacceptable harm that I have found would be caused to the living conditions of the occupiers of 1 Sylvester Way in respect of sunlight, daylight and outlook.
14. Therefore, for the above reasons, I conclude that the appeal should be dismissed.

Andrew Dawe

INSPECTOR

