



Appeal Decision

Site visit made on 10 May 2016

by **D Cramond** BSc MRTPI

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

Decision date: 03 June 2016

Appeal Ref: APP/Q1445/D/16/3143870
22 Sandhurst Avenue, Brighton, BN2 6NG

- 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 Marian Suchodolinsky against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/02558, dated 27 July 2015, was refused by notice dated 4 December 2015.
 - The development proposed is the erection of two storey side extension with front rooflights and rear dormer, formation of front porch, crossover and hardstanding.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I use the Council's description of development which is more precise than the application form; I note that this description is also used on the appeal form.
3. Since the time of determination of the relevant planning application the Council has adopted the Brighton & Hove City Plan Part One (CP). Consequently a number of the Brighton & Hove Local Plan (LP) policies cited on the Decision Notice have been superseded. The Appellant has been made aware of this and given an opportunity to comment. The replacement policies are very much of a similar tenor to those which no longer remain extant. In the text below I only refer to policies currently adopted by the Council.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the host property and locality;
 - the living conditions for neighbours; and
 - amenity for future residents.

Reasons

5. The appeal property is a two storey end of terrace house with a very small rear garden and a modest side garden. It is set within an area of established residential character with similar properties which come together to form a pleasing streetscene. The proposal is as described above and would primarily
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increase living accommodation and provide for 3 bedrooms, with one of these in the roof space.

Character and appearance

6. The proposed extension taken in isolation has, in a number of ways excepting the dormer, been well designed and picks up on the aim for subservience by walls set in and roof set down. However, as with the appeal site, a common feature of the locality is runs of terraces with others set at right angles and space, via side gardens, where the angled buildings meet. This gives a break between built mass and makes what could appear to be a higher density area seem less so. In this instance the side garden ground is higher than the perpendicular terrace to the rear which adds to the need for care with any new building here. Taking these factors a building of the scale proposed here would look alien in the streetscene, appear cramped on the site, remove most useable garden area, detract from the setting of the existing home and that beyond, and generally not accord with the character of the area.
7. Saved Policy QD14 of the LP calls for, amongst other matters, development to be well designed to protect local distinctiveness and respect the character of buildings and the wider area. I conclude that the appeal scheme would run contrary to these objectives which are similar to those embodied in the Council's Supplementary Planning Document No.12, *Design Guide for Extensions and Alterations* (SPD) – albeit this guidance document is unable to cover every eventuality in detail.

Living conditions for neighbours

8. There is a house set at right angles close to the appeal site, and on lower ground, which has windows in its flank close to its boundary. It has a small rear garden area. The proposed building would be about 3 metres from the common boundary. The effect of the scale of the works, the proximate positioning and the higher ground along with the inclusion of new windows would cause this neighbouring property to be unduly hemmed-in, lose outlook and have further loss of privacy. Even allowing for the fact that the neighbours have a principal outlook from windows around the corner the imposition of the planned extension would be considerable and objectionable. I therefore conclude that the proposed works would unacceptably conflict with the aim to protect living conditions which is embodied within LP Saved Policy QD27.

Amenity for future residents

9. The Council reads the planned extension as tantamount to a new dwelling and certainly the layout could be seen in this way with its internal separation and individual front door. If it was to be treated as such then a three storey house with three bedrooms would to my mind need greater living space. A separate dwelling of this scale would also need greater garden space than would about the planned works. Amenity would be unduly lacking for a new unit. Were one to read the planned extension as a whole with the existing home, which the Appellant has shown a willingness to do, then unfortunately I would remain of the opinion that external space was lacking. The dwelling would become a 6 bedroom home and external useable amenity space would be minimal, well below the scale of garden one would expect for a substantial family home.
10. LP Saved Policies QD27 and HO5 and CP Policies CP12 and CP14, taken together and amongst other matters, seek to ensure that residents of dwellings

are able to enjoy appropriate levels of amenity. I conclude that the appeal scheme would not accord with these policies.

Other matters

11. I understand the Appellant's wish to increase and improve the accommodation of this property. I note an apparent willingness to amend the internal arrangement to ensure integration and the offer to alter the rear windows; however, I have to determine the proposal before me. The Appellant points to the 'allowances' within the SPD. However, as I say above this document could not be expected to cover every eventuality, one size does not fit all, and contrary to the assertions of the Appellant I would consider plot scale, shape and topography to be relevant factors in any determination. I note that the Council does not raise objection to certain elements of the scheme and I have taken account of this. I appreciate that neighbours did not object to the scheme but I have to consider the long term position and seek to protect living conditions on this basis. The matter of plan accuracy has not weighed significantly in my determination. I can sense and sympathise with the frustration of the Appellant on the question of seeking dialogue with the Council during the determination period and the length of time taken for processing the application. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issues identified above.
12. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policies which I cite mirror relevant objectives within that document.

Overall conclusion

13. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the host property and locality; the living conditions for neighbours; and on amenity for future residents. Accordingly the appeal is dismissed.

D Cramond

INSPECTOR

