



# Appeal Decision

Site visit made on 25 November 2009

by **Elaine Benson BA (Hons) Dip TP MRTPI**

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

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**Decision date:**  
**18 January 2010**

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## Appeal Ref: APP/Q1445/A/09/2109104

### 48 Cowley Drive, Brighton, East Sussex BN2 6WB

- 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 Paul Lawes against the decision of Brighton & Hove City Council.
- The application Ref BH2008/02746, dated 12 August 2008, was refused by notice dated 12 June 2009.
- The development proposed is front extension and loft conversion to include gable ends, velux windows and increase in ridge height.

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## Decision

1. I allow the appeal, and grant planning permission for front extension and loft conversion to include gable ends, velux windows and increase in ridge height at 48 Cowley Drive, Brighton, East Sussex in accordance with the terms of the application, Ref BH2008/02746, dated 12 August 2008, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: north east elevation, north west elevation, south east elevation, south west elevation, ground floor plan and first floor plan all dated April 2008; building as existing (plans, elevations, block plan, site location plan) and site location plan both undated.

## Main issue

2. The effect of the proposed development on the character and appearance of the appeal property and the surrounding area.

## Reasons

3. It is proposed to significantly increase the height and the mass of the appeal bungalow, incorporating a number of changes to its design. The Council raises no objection to the increase in height or many of the proposed alterations in principle. I see no reason to disagree. The areas of contention are the

proposed alterations to the front elevation which include converting the hipped roof to a gable and increasing its height by between 1.1m and 2.2m.

4. These alterations would undoubtedly change the character and appearance of the existing bungalow significantly. As a result I do not consider that it is necessary to consider whether the proposed alterations would reflect the design of the existing bungalow and assess it against the Council's Supplementary Planning Guidance on Roof Alterations and Extensions, but rather to consider whether the resulting building would fit in with the surrounding area.
5. In my opinion the extensions and alterations would produce a coherent and well-designed property. Its surroundings comprise houses and bungalows of diverse height and design with little uniformity. In this context I consider that the unique design of the proposal would not lead to an over-dominant elevation, but would enhance the character and appearance of the street scene.
6. I conclude that the proposal complies with saved policies QD1 and QD2 of the Brighton and Hove Local Plan which seek to achieve high-quality design and saved policy QD14 which sets out specific requirements for extensions and alterations. For the reasons given above I conclude that the appeal should be allowed.

#### Conditions

7. I have imposed a condition requiring the use of matching materials in the interest of the visual amenity of the area. I have amended the Council's suggested text to more closely reflect the wording of the model condition in Circular 11/95. I have also specified which plans this decision is based on for the avoidance of doubt and in the interests of proper planning.
8. The Council suggested a condition withdrawing permitted development rights for any extension, enlargement or other alteration to the dwellinghouse. Planning permission would be required for further extensions to the property in any event. Furthermore, such conditions are normally considered unreasonable unless there is clear evidence that the works excluded would have serious adverse effects on amenity. Little justification for this condition has been provided and no evidence to demonstrate that that there would be serious adverse effects on amenity. I have therefore not imposed the suggested condition.

*Elaine Benson*

INSPECTOR