



Appeal Decision

Site visit made on 23 March 2010

by **P E Dobsen MA (Oxon) DipTP MRTPI**
FRGS

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

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Decision date:
26 March 2010

Appeal Ref: **APP/Q1445/D/10/2120902** **7 Whitethorn Drive, Brighton BN1 5LH**

- 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. N. Law against the decision of Brighton & Hove City Council.
- The application (Ref BH2009/02653), dated 20 October 2009, was refused by notice dated 31 December 2009.
- The development proposed is "interior and exterior remodelling of dwelling to form additional accommodation, garage and attic room".

Decision

1. I dismiss the appeal.

Main issues

2. The 2 main issues in the appeal are the effect of the proposed development on:
i) the character and appearance of the site and its surroundings; and ii) the residential amenities of the adjoining dwellings at Nos. 6 and 8 Whitethorn Drive, with particular reference to potential overlooking of habitable rooms or garden areas, and a consequent loss of privacy.

Reasons

3. Whitethorn Drive is a suburban, residential close containing about 20 modern, 2-storey detached dwellings on fairly substantial plots. It is located off Dyke Road Avenue in the northern part of Brighton. No. 7, the appeal property, lies on a sharp bend in the Drive, giving it a relatively prominent corner position and road frontages both to the north and west. It adjoins No. 8 to the south east, and No. 6 at a lower level to the south west. Built in 1959, it is agreed to be of a somewhat mundane architectural character, and in need of modernisation. Unlike several other houses in the Drive it has not hitherto been extended or significantly altered.
4. The current proposals include a radical enlargement and remodelling of the house, including alterations to about 80% of its external structure, a 2-storey extension at the front, and an additional (second) storey featuring 2 large windows within the new roof at the rear and one at the front. The scheme would provide a considerable amount of additional internal living space, and garaging, and would also include new landscaping and boundary treatments.
5. I have considered the proposals in the light of the relevant saved development plan policies, listed in the decision notice, in the Brighton and Hove Local Plan (2005), including policies QD1 (*design – quality of development and design*

statements), QD2 (*design – key principles for neighbourhoods*), QD14 (*alterations and extensions*), and QD27 (*protection of amenity*). There is no particular dispute as to the relevance or interpretation of these policies, and no need for me to describe them in detail. I have also had regard to the advice in the Council's supplementary planning guidance note 1, roof alterations and extensions.

6. *Issue i) Effect on the character and appearance of the area:* The Council says that in terms of their bulk and scale, the extensions would be inappropriate in design in the context of the existing house and the Drive, and would be unduly obtrusive in the street scene. I disagree with that verdict; in my opinion, they would have the effect of replacing a very ordinary (and indeed, rather unattractive) post-war dwelling with a somewhat larger dwelling in a sensitive and well-designed contemporary architectural idiom, which would not look obtrusive or cramped in the street scene, but would enhance the character and appearance of this part of Whitethorn Drive. The building footprint and site coverage ratio would be no greater than those of most other houses in the Drive. The new flat-roofed areas would add some variety to the street scene, without appearing harmfully out of character.
7. While the addition of a second storey would not be characteristic of Whitethorn Drive, this would not in my view be objectionable on design grounds, given that most of the houses in the Drive are individually distinctive, with substantially varying roof forms and heights, and no two alike. The use of high quality modern materials and new exterior landscaping - both matters which could in principle be secured by planning conditions - would also make a positive contribution to the street scene. In sum, I find that the scheme would not harm, but would tend to enhance the character and appearance of the site and its surroundings.
8. *Issue ii) Effect on neighbours' residential amenities:* I am much less sanguine on this second issue, particularly with respect to the potential overlooking of Nos. 6 and 8 by the new windows at the rear. Although the enlarged house would be over 30m. from the rear of No. 6, and there is a boundary fence between the 2 and a substantial eucalyptus tree alongside it which precludes some mutual overlooking, the scheme includes 2 large, high level windows which, as I have already observed, are not characteristic of the Drive. These would light a large new bedroom in the roof space. In my opinion, these windows would substantially increase the potential for overlooking of habitable rooms and the rear garden of No.6, which is at a lower level, and also the rear garden of No. 8, notwithstanding any existing or proposed boundary fences or vegetation. Despite my findings on the first issue, I consider that this significant drawback of the scheme would be contrary to development plan policies QD14 and QD27, sufficient to warrant the dismissal of the appeal.
9. I have considered all the other matters raised by the scheme architects, but there are none which alter or outweigh my conclusions on the 2 main town planning issues.

Paul Dobsen INSPECTOR
