



Appeal Decision

Site visit made on 27 January 2009.

by **B C Scott BA(Hons) Urban & Regional Planning MRTPI**

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

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Decision date:
10 February 2009

Appeal Ref: APP/Q1445/A/08/2085686

22 Tongdean Rise, Brighton, East Sussex, BN1 5JG.

- 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 Gary Becarevic against the decision of Brighton & Hove City Council.
- The application Ref: BH2008/01109, dated 27 March 2008, was refused by notice dated 7 July 2008.
- The development proposed is two storey rear extension & front porch extension to existing dwelling.

Procedural Matters

1. Further to the description of development given in the appeal application (in the head note, above), the Appellant adopts the Council's description *part single storey, part two storey rear extension with roof terrace, single storey front extension and new roof with roof lights and alterations to windows*, which I use as it is more informative.
2. The appeal scheme before me is followed by two revisions. The Appellant asks me to consider the first revision (drawing no. RFA 08/42/02 A), which was submitted before (but did not result in) the Council's decision, in which balcony screening has been added, an external staircase removed and alterations made to the design of the porch extension. The second revision (drawing no. RFA 08/42/02 B) has all those things but a different roof form (i.e. one without the stepped ridgeline shown in the appeal application) and was submitted in a second planning application that has recently been granted planning permission by the Council (BH2008/02342). The Appellant points out that the only element of the appeal scheme that has not been granted permission is the stepped ridgeline.
3. A proposed car parking space is indicated on the submitted Block Plan (the application drawing no. RFA/08/42/02) but is not shown in any detail. The Appellant confirms that this is no longer part of the appeal scheme and it is not shown in the amended drawings.
4. In submissions, the Council asserts that it is not appropriate for the Appellant to request significant alterations to the appeal scheme that significantly affect its appearance. In the officer's report, however, the Council states that amended plans were not accepted because they did not overcome concerns regarding the design and appearance of the appeal scheme.
5. The impact of the alterations on the appeal scheme with the first revision would be largely confined to the appearance of the porch. I am mindful that the

nature of the proposed development in the appeal application is a remodelling of the entire appeal house. In my opinion, that would remain very much the same as with the first revised scheme, which would thereby not amount to a material alteration to the nature of the appeal application. Moreover, those alterations would have the same effect, by themselves or on the whole, as those upon which Third Parties have been consulted with the second revision and application. In other words, Third Parties have been consulted upon the alterations shown in the amended drawing of the first revision by another means and would not be prejudiced by consideration of it.

6. In the circumstances, I deal with the appeal on the basis of amended drawing no. RFA 08/42/02 A, the first revised scheme. Furthermore, given the fallback position of the permitted second revised scheme, I focus on the main element in dispute between the Parties; namely the proposed stepped ridgeline.

Decision

7. I allow the appeal, and grant planning permission for part single storey, part two storey rear extension with roof terrace, single storey front extension and new roof with roof lights and alterations to windows at 22 Tongdean Rise, Brighton, East Sussex, BN1 5JG, in accordance with the terms of the application Ref: BH2008/01109, dated 27 March 2008, and the plans submitted therewith, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The balcony screen walls with obscure glazed panels as indicated on drawing no. RFA08/42/02 B shall be installed before the terrace is brought into use. The screen walls and panels shall be retained as such thereafter.

Main Issue

8. I consider the main issue in this case to be the effect of the proposed development on the character and appearance of the area.

Reasons

9. The appeal house is a commonplace detached dwelling, amongst others in a built-up residential area of mixed appearance. It sits on ground steeply sloping away from the road, such that the eaves are barely above the road level. The proposed development would raise the ridge height over part of its length in connection with a wholesale remodelling to facilitate a rear extension and an inverted floor layout.
10. The thrust of policies in the Brighton & Hove Local Plan 2005 (LP) is to require a high standard of design that makes a positive contribution to the visual quality of the area, with particular reference to such things as height and topography.
11. The appeal location is not recognised for its townscape. There is no question that the distinctive feature of the visual quality of the area is the striking topography; comprising high ground, steep slopes and commanding views over

the city. I saw that in such an environment many of the adjoining properties in the surrounding area are relatively drab and uninteresting and do not amount to a good reference for well designed development, as ordinarily expected by LP Policy QD14.

12. LP Policy QD1 discourages the replication of existing styles and gives encouragement to new buildings and areas of distinction on suitable sites. Owing to the topography, I am in no doubt that this is such a location for that to apply fully.
13. The most prominent feature of the appeal house from the road, as with others, is its simple roof plane at eye level. Having regard particularly to the requirements of LP Policy QD2 and given the distinctive topography, I see no reason why the proposed development should relate to the general pattern of roof heights about it and be precluded from a variation that reflects the particular circumstances (steeply sloping ground) of this location. The increase in height would be proportionate to those circumstances and would not look out of place. In my opinion, a stepped roof line is more likely to contribute to the local character than that in the extant scheme involving a contrived flat roof element to achieve the appearance of a single ridge.
14. I find that the proposed development would achieve a high standard of design resulting in positive visual quality, in tune with local distinctiveness. I conclude that it would not be harmful to the character and appearance of the area, in accordance with the requirements of the above policies of the Development Plan. I have considered all other matters raised, but none alters my conclusion on the main issue that the appeal be allowed.

Conditions

15. Other than the standard condition concerning time limit, the Council suggests no additional conditions yet attaches three others to the extant permission, which I have examined. In view of the original concerns with the appeal application about privacy, I impose the Council's condition concerning screen walls and obscure glazing in the terrace panels shown in this first revised scheme. I do not impose a condition for obscure glazing to flank windows because they would be set at high level. The extant scheme is well underway and it is now unnecessary to impose on this subject appeal permission a requirement concerning waste contractors.

B C Scott
INSPECTOR

