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# Appeal Decision

Site visit made on 26 May 2015

**by Mr C J Tivey BSc (Hons) BPI MRTPI**

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

**Decision date: 24 June 2015**

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**Appeal Ref: APP/Q1445/D/15/3006383**  
**137 Marine Drive, Rottingdean, Brighton BN2 7GU**

- 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 Jamie Malpass and Mrs Laura Malpass against the decision of Brighton and Hove City Council.
  - The application Ref BH2014/03801, dated 11 November 2014, was refused by notice dated 6 January 2015.
  - The development proposed is for removal of existing porch & front bay to the existing ground floor level. Roof extension to raise the roof & enclosed balcony to the front.
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## Decision

1. I dismiss the appeal.

## Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area, with specific reference to height; and upon the living conditions of the occupants of 135 Marine Drive, with specific reference to outlook and sunlight.

## Reasons

### *Character and Appearance*

3. The appeal site is situated within an area which is characterised by predominantly detached dwellings, comprising of a variety of storey heights which do not necessarily correspond with the changes in topography along Marine Drive. On my visit I noted a number of properties along the seafront that were of a significantly different height to their immediate neighbours, and this to some degree sets the context of the street scene.
  4. The proposal would render the subject building higher than 135 and 139 Marine Drive, although this would just be the converse of the existing situation. Taking into account the fact that there are other examples where dwellings are noticeably higher than their immediate neighbours, I find that as a design feature per se, the increased height of the building would not be out of character with its surroundings. The hipped roof form would also help to minimise its bulk and therefore, in terms of street scene impacts alone, I
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conclude that the proposal would not have an over-dominant impact on its character and appearance.

5. The proposal complies with paragraph a. of Policy QD14 of the Brighton and Hove Local Plan and the Council's Supplementary Planning Document 12: Design Guidance for Extensions and Alterations, which permit additional storeys and raised roofs where they respect the scale, continuity, roof line and general appearance of the street scene, including its topography.

#### *Living Conditions*

6. However, notwithstanding my findings above, the proposal would also provide a significantly higher eaves line running parallel to the rear side boundary shared with no 135 of some 5m in length. This neighbouring property, which is set on lower ground than the appeal property, has patio doors leading to a modest paved area to its rear elevation closest to the shared boundary. I consider that the overall increase in height of the appeal property would likely give rise to greater overshadowing from the morning sun. Furthermore, the proposal would significantly increase the sense of enclosure experienced by existing or future occupants of no 135 by virtue of the fact that the increased eaves height would be for the full extent of the existing subject building.
7. I acknowledge the application would provide additional accommodation for a young and growing family in the same location, but occupation is ultimately transitory whereas the impact upon no 135 would be permanent. I note the changes that have been made to the design from the previous proposal, and notwithstanding other material considerations, I find that the proposal before me would have a greater impact upon the sunlight received by no 135.
8. I conclude that the proposal would have a harmful effect upon the living conditions of the occupants of no 135 and conflicts with LP Policies QD14 and QD27, in that the proposal would result in a significant loss of outlook and sunlight to its occupants.

#### **Conclusions**

9. I have concluded that the proposal would not have a significantly adverse effect upon the character and appearance of the area and I acknowledge that the proposal would provide greater living accommodation for the appellants and their young family. However, these matters do not negate or outweigh my concerns with regarding the effect of the proposal on the living conditions of the occupants of no 135. For the reasons given above and having regard to all other matters raised, I conclude that the appeal be dismissed.

*C J Tivey*

INSPECTOR