



## Appeal Decision

Site visit made on 8 July 2016

**by Timothy C King (BA Hons) MRTPI**

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

Decision date: 15 August 2016

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### **Appeal Ref: APP/Q1445/D/16/3147548**

### **21 Warren Avenue, Brighton, East Sussex, BN2 6BJ**

- 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 M Naeem against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/04318, dated 30 November 2015, was refused by notice dated 4 February 2016.
  - The development proposed is '*single storey flat/pitched roof rear extension.*'
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### **Decision**

1. The appeal is dismissed.

### **Main Issues**

2. The main issues are:
  - i) the effect of the proposal on the character and appearance of the host dwelling; and
  - ii) the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to No 19 Warren Avenue.

### **Reasons**

#### *Character and appearance*

3. The appeal dwelling appears to have already been markedly extended and the proposal, although involving the removal of an existing rear addition and small central conservatory, would substantially increase the habitable floor area with a new partial width, brick-built extension, running to a maximum 6m depth on the dwelling's projected south flank wall. The new extension would have a table-top roof which, given its width and depth, would be substantial in splay and extent.
  4. The Council's design guidance, by way of its Supplementary Planning Document (SPD12), sets out certain principles relating to single storey rear extensions which, amongst other things, require that they should normally be no deeper than half the main body of the original building. It would seem apparent from the submitted plans that the proposal would fail in this regard. Another requirement is that, where a pitched roof is proposed, the ridge height
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must be visibly lower than the cill of the first floor windows. Although, in this instance, the extension's roof would be flat-topped the submitted plans show proposed pitched roof sections rising from the eaves to the roof top which would appear to reach up to first floor cill level. The appellant's point that the existing first floor windows are actually sliding doors, thereby negating the applicability of the relevant SPD proviso is a fallacious argument. I accept that the existing rear extension and conservatory are to a similar height, but given their comparatively shallow depths and roof profiles the impact is much less pronounced.

5. My argument is, therefore, with the proposal's extent and form and I consider that such an arrangement would be excessive in the circumstances, accentuating the extension's bulk. Indeed, in its context, the extension would relate poorly to the existing dwelling, being positioned awkwardly, showing little subordination to the host dwelling and appearing more as an immodest add-on. The use of matching external materials would not mitigate in this regard. Given my findings I would suggest that little consideration seems to have gone into how such a development could best integrate with the dwelling having proper regard to its existing physical features.
6. On the first main issue I conclude that the proposal would be harmful to the character and appearance of the host dwelling, contrary to Policy QD14 of the Brighton & Hove Local Plan (LP) and the Council's SPD12.

#### *Living conditions*

7. No 19, the neighbouring property southwards, is a detached bungalow. Compared to the appeal dwelling it is a significantly smaller building and the difference is accentuated by the fact that it is positioned at a markedly lower level than No 21 due to the sloping ground level. However, the common boundary, which comprises a brick wall and a substantial, mature, evergreen hedgerow forms an effective screen between the two properties ensuring almost complete privacy between the properties when noting that No 19's side and rear windows sit considerably below the hedge top as, indeed, does the flat roof of the bungalow's rear extension.
8. I note the proposed flank wall window in the extension which would face directly towards No 19. Nonetheless, this would be secondary to the two main rear windows and, were I minded to allow the appeal a condition requiring for the side window to be obscurely glazed could be potentially imposed. However, as my findings dictate that the appeal turns on other substantive matters I need not explore this point further.
9. I have mentioned that the height of the proposed extension would differ little from the existing rear addition and, although projecting deeper, the significant drop in land levels along with the abundant screening and the possibility of obscured glazing would ensure that the occupiers of No 19 need not be compromised by any resultant loss of privacy or overlooking.
10. On the second main issue I conclude that the proposal would not be harmful to the living conditions of the neighbouring occupiers, and there would be no material conflict with the aims and requirements of LP Policy QD27.

**Conclusion**

11. Although I have found that the proposal would not be significantly harmful to the occupiers of No 19, I consider that this is outweighed by the extension's design and its resultant effect on the character and appearance of No 21 itself, which is compelling.
12. For the above reasons, and having taken into account all matters raised, the appeal does not succeed.

*Timothy C King*

INSPECTOR

