

## Appeal Decision

Site visit made on 2 August 2016

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

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

Decision date: 9<sup>th</sup> August 2016

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**Appeal Ref: APP/Q1445/D/16/3151556**

**2 Roedale Road, Brighton BN1 7GB**

- 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 John Crookes against the decision of Brighton & Hove City Council.
  - The application Ref BH2016/01052, dated 24 March 2016, was refused by notice dated 19 May 2016.
  - The development proposed is refurbishment of existing outbuilding into annex accommodation to the rear of 2 Roedale Road.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - a) the effect of the proposed development on the character and appearance of the area;
  - b) whether the proposal would provide satisfactory living conditions for future occupants of the site;
  - c) the effect of the proposed development on the living conditions of adjoining occupiers in relation to noise and disturbance.

### Reasons

#### *Character and appearance*

3. No 2 Roedale Road is an end terrace, two-storey dwelling that appears to date from the early 20<sup>th</sup> century. No 2 is a larger dwelling than the rest of the terrace. It has a wider frontage which incorporates an integral garage through which there is access to rear of the house. At the back of the site there is a two-storey outbuilding which has been built into the rising ground. It is believed that this was the builder's workshop when the terrace was first built. The houses have good-sized paired rear projections but small rear gardens, some of which appear to have been terraced to accommodate the change in levels. No 2's private amenity space consists of a courtyard to the rear of the garage and a small raised terrace adjacent to the outbuilding. The ground floor of the outbuilding is currently used as a workshop/ storage area, but is not habitable. The room above, which the plans indicate is a bedroom, appears to be used on an occasional basis for recreational purposes.
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4. The proposal would replace the mono-pitched corrugated iron roof with a tiled pitched roof. The ridge would be approximately the same height as the rear of the existing roof, but its overall bulk would be increased in order to incorporate two dormer windows facing the rear elevation of No 2. Internally new floors would be inserted enabling rooms to be provided on three floors. The upper floors would each have a bedroom and bathroom. The garage workshop would be extended forward into the courtyard and would have large, glazed bi-folding doors opening out on the courtyard.
5. The existing outbuilding is the only such structure in a rear garden of this particular terrace of houses. It is therefore unusual and has a semi-domestic appearance. However, the addition of two dormer windows and the introduction of fully glazed doors and windows on the other two floors would fundamentally alter the appearance of the building. In my view, it would appear to be a three storey dwelling located in the back garden of No 2.
6. This would be totally out of keeping with the pattern and scale of development along this stretch of Roedale Road, where other dwellings have direct frontage onto the street. It would also appear incongruous when viewed from Dudley Road and Upper Hollingdean Road where its isolated form would stand out and appear unconnected with any of the surrounding residential development. Even if it was being used as an annexe to the host property, its scale and siting would not be subservient to the main dwelling. It would dominate the rear of the site more than the existing building and would be out of proportion with the host property. Consequently, the site as a whole would appear cramped.
7. I therefore conclude that the proposal would be harmful to the character and appearance of the area, contrary to Policy CP12 of the Brighton & Hove City Plan Part One and saved Policy QD14 of the Local Plan, which require development, amongst other things, to be high quality and respect its setting. It would also be contrary to the advice and guidance set out in the Council's Supplementary Planning Document: *Design Guide for Extensions and Alterations* (SPD12), which states that residential annexes will only be acceptable when the scale and appearance of the building is modest and in proportion to the site.

*Living conditions of future occupants*

8. I note the appellant's wish to provide for his extended family by allowing them to occupy the annexe, and his willingness to accept a condition that it could not be used as a separate dwelling. However, in order for such a condition to be precise and enforceable it would be necessary to demonstrate a functional link between the main house and the annexe. In this case I have no evidence to convince me that there would be effective links with the host property. No details of the internal layout in the main building were provided with the appeal and no shared facilities were brought to my attention.
9. On the contrary, I consider that the size and scale of the annexe, including the room on the ground floor which would be large enough to function as a kitchen/living area, make it more likely that it could operate as a separate dwelling in the future. The site can already be accessed via the garage without the need to go through the house, so it would be simple to establish an independent entrance. In addition the existing external garden space within the site is already very limited, both in terms of its quantity and quality. In my view it would be too small to be adequate for an extended family.

10. SPD12 sets out requirements in relation to the acceptability of detached annexes. In addition to being of modest proportions in relation to the site, a clear dependency must be retained with the main building. This can be achieved through the sharing of garden space, kitchen/bathroom facilities, access to the site, or other internal links. In the absence of confirmation of such inter-dependencies, I share the Council's concern that the enlarged annexe could be occupied as a separate dwelling in the future. If the building were used as a separate dwelling, it would occupy a very cramped site in close proximity to the host property, with little or no private amenity space. It would therefore fail to provide adequately for the needs of potential occupants. It would also result in the loss of amenity space for the occupiers of the host property.
11. Taking all these factors into consideration I conclude that the proposed development would provide unsatisfactory living conditions for future occupants of the site as a whole. It would therefore fail to comply with saved Policies QD27 and HO5 of the Brighton and Hove Local Plan (Local Plan), which require development to provide adequate living conditions for existing and future occupiers. It would also be contrary to the advice and guidance set out in SPD12 referred to above.

*Living conditions of neighbours*

12. The ground floor of the existing building can be used as a workshop and the upper floor can be used as a bedroom or recreational room for the occupants of No 2. Activities within the existing building could therefore cause noise and disturbance for adjoining occupiers. In this context it seems to me that the use of the larger building either as an annexe or as a separate dwelling would be unlikely to generate significantly more noise and disturbance for adjoining occupiers. The Council is satisfied that there would be no additional harmful overlooking of neighbouring properties that would give rise to unacceptable loss of privacy. I see no reason to come to a different view.
13. I therefore conclude that the proposal would not be harmful to the living conditions of adjoining occupiers arising from an unacceptable increase in noise and disturbance. In this respect the proposal would comply with saved Policy QD27 of the Local Plan.

**Conclusion**

14. Notwithstanding my findings in relation to the effects of the scheme on adjoining occupiers, I have concluded that the proposal would be harmful to the character and appearance of the area. It would also provide unsatisfactory living conditions for the occupants of the annexe and the host property.
15. For these reasons, I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR

