



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: 16 August 2016

Appeal Ref: APP/Q1445/D/16/3145692

3 Wayland Avenue, Brighton, East Sussex, BN1 5LW

- 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 & Mrs M Leeming against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/03679, dated 16 October 2015, was refused by notice dated 11 December 2015.
 - The development proposed is '*Roof extension and conversion. Extension to front (on existing patio) to create porch and utility room. Sympathetic to local vernacular (material & comments) on light blocking taken into account on previous decision BH2015/01987.*'
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Decision

1. The appeal is allowed and planning permission is granted for 'Alterations to roof including raised ridge height, roof extensions, Juliet balcony to rear and rooflights to side and rear. Erection of single storey front extension, alterations to fenestration and associated works' at 3 Wayland Avenue, Brighton, East Sussex, BN1 5LW in accordance with the terms of the application Ref BH2015/03679, dated 16 October 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 3715/01A and 3715/02B.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Issue

2. I have altered the proposal's description, using the Council's title on its decision notice which better focusses on the development involved.

Main Issue

3. The Council has not raised objections in terms of the design or appearance of the proposed extensions and alterations proposed to the appeal dwelling. I agree with this approach and the main issue is therefore the effect on the living
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conditions of neighbouring occupiers, with particular regard to No 33 Withdean Road.

Reasons

4. The appeal dwelling is a detached, hip-ended, bungalow and the proposal would involve its heightening by means of gabled ends created to form an additional storey. Land levels fall to the east and, as such, the relative height of No 33 Withdean Road, the two-storey dwellinghouse beyond, is diminished. The Council provides design guidance in the form of a Supplementary Planning Document (SPD12) which advises that additional storeys or raised roofs may be permitted on detached properties where they respect the general appearance of the streetscene, including its topography, whilst respecting the design of the host building. However, such alterations should obviously not have an overbearing impact to neighbouring occupiers by blocking light or outlook.
5. The proposed development involves several elements but, in the particular circumstances, the overriding issue in this appeal is the formation of the gable to the bungalow's eastern flank wall. The spread of this proposed gable end, facing No 33, would obviously add bulk to the appeal dwelling, raising the roof's height and infilling the hip. However, the existing rear building line would not be extended beyond its current depth.
6. The Council in its reason for refusal cites overshadowing and a resultant loss of light and an increased sense of enclosure to the detriment of the occupiers of No 33. However, apart from mention of the difference in land levels, facing windows and the enjoyment of its garden there is little explanation in its case report to illustrate such and provide a compelling case to this end.
7. From my site visit I assessed the existing physical relationship between the two dwellings in the context of an approximate 8m distance between the facing elevations. I considered also the extent of the proposal, the windowless, flank elevation and also the heightened ridgeline of some 0.8m. The resulting relationship would not be particularly unusual between dwellings in such proximity and, with the mature, vegetative screening at the common boundary, planted in the rear garden of No 33, I do not consider that the development would adversely affect the occupiers' internal or external enjoyment of their residence.
8. I thereby consider that the proposed development would not be so significant a change as to constitute an oppressive, unneighbourly alteration. In this assessment I am also mindful that, under householder, permitted development entitlement, alterations can be made to the roof allowing for the hip-end to change to that of a gabled feature. The height increase in this instance would not be unacceptable
9. I have had regard to the representations made by the occupiers of Nos 5 and 7 Wayland Avenue, further westwards but, given that the proposed gable on this flank would be stepped back and there would be no increase in the property's depth, I am in agreement with the Council that there would be no consequential harm to the detriment of the occupiers thereto.

10. I conclude that the proposal would not be harmful to the living conditions of neighbouring occupiers and there would be no material conflict with Policies QD14 and QD27 of the Brighton and Hove Local Plan or the Council's SPD12. In terms of conditions, apart from the statutory time limit I impose a condition requiring that matching materials be used. Also, in the interests of good planning, and for the avoidance of doubt, I have included a condition requiring that the development be implemented in accordance with the approved plans.
11. For the above reasons, and having had regard to all matters raised, the appeal succeeds.

Timothy C King

INSPECTOR

