
Appeal Decision

Site visit made on 9 August 2016

by Alex Hutson MATP CMLI MArborA

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

Decision date: 15 August 2016

Appeal Ref: APP/Q1445/D/16/3152232
20 Benett Drive, Hove, Brighton and Hove BN3 6UT

- 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 T O'Connor against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/00325, dated 29 January 2016, was refused by notice dated 3 May 2016.
 - The development proposed is erection of ground floor extension to existing garage, roof extension above and new dormer to front roof slope.
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Decision

1. The appeal is allowed and planning permission is granted for erection of ground floor extension to existing garage, roof extension above and new dormer to front roof slope at 20 Benett Drive, Hove, Brighton and Hove BN3 6UT in accordance with the terms of the application, Ref BH2016/00325, dated 29 January 2016, 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: 1283 01A; and 1283 02.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary matter

2. Subsequent to the date of the Council's Decision Notice, the Brighton and Hove City Plan Part One (City Plan) was formally adopted by the Council in March 2016. Nevertheless, the saved policies of the Brighton and Hove Local Plan 2005 (Local Plan) referred to in the reasons for refusal have not been superseded by the policies contained within the City Plan and therefore continue to form part of the development plan for the City. I am therefore satisfied that the adoption of the City Plan does not materially alter the reasons for refusal as set out on the Council's decision notice and I have determined the appeal on this basis.
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Main issues

3. The main issues are the effect of the proposal on the character and appearance of the area and the effect of the proposal on the living conditions of the occupiers of 18 Benett Drive with particular regard to outlook and daylight.

Reasons

Character and appearance

4. The appeal property is single storey dwelling with additional living accommodation within the roofspace. It is located on the southern side of Benett Drive within a wider residential area. Dwellings along this side of the road are typically tightly spaced, single storey dwellings, with many displaying rooms in the roofspace and front dormers. The roofscape of dwellings along this side of the road, comprising predominantly of hipped roofs, though not particularly uniform, is a notable feature, given that dwellings tend to be set at a lower level to that of the road due to the sloping topography of the area. The hipped roof form of these dwellings provides a balance to their built form. It also provides regular break in the roofscape and affords a level of openness between built form and a rhythm to the streetscape. These factors positively contribute to the character and appearance of the area.
5. The appeal property has a planning history and has been subject to alterations in the past, including a front dormer extension and hip to gable roof extensions which were previously granted on appeal¹. The roof form of the appeal property is therefore something of an anomaly within the wider roofscape along this side of the road. In addition, the relationship between the eastern gable roof extension and a single storey garage element that is set considerably back from the front elevation, displays, in my opinion, an overall unbalanced appearance to the appeal property.
6. The proposal seeks to extend the garage element forward to match the building line and appearance of an existing front bay, to incorporate a roof extension above in a similar form to the existing eastern gable end and to incorporate a dormer window to the front roofslope.
7. Whilst the overall bulk and massing of the appeal property would be increased, the proposal would provide a greater level of balance to the appearance of the appeal property. In addition, whilst the proposal would reduce the spacing at roof level between the appeal property and 18 Benett Drive, it would replicate the existing relationship between the western gable end of the appeal property and the hipped roof of No 22, which the previous Inspector clearly considered to be an acceptable relationship. In the context of the alterations that the appeal property has already been subject to that noticeably differentiates it from other dwellings along this side of the road, and given the existing relationship between the appeal property and No 22, I consider the relationship between the proposal and No 18 would, in this instance, be acceptable.
8. Consequently, whilst the proposal would result in a level of change to the appearance of the appeal property and would reduce the spacing with No 18, I do not consider that this change or reduction in spacing would result in any significant disruption to the sense of rhythm of the streetscape and would not, in my judgement, result in harm to the character and appearance of the area.

¹ Ref APP/Q1445/D/12/2179794

9. The proposal would therefore comply with saved Policy QD14- Extensions and Alterations, of the Brighton and Hove Local Plan 2005 (Local Plan), that requires, amongst other things, extensions and alterations to be well designed, sited and detailed in relation to the property to be extended, to adjoining properties and to the character of the surrounding area. This policy is consistent with the broad aims and principles of the National Planning Policy Framework (the Framework) that seek planning to take account of the different roles and character of different areas.
10. The proposal would also comply with the guidance set out in Supplementary Planning Document 12- Design Guide for Extensions and Alterations 2013 (SPD), which advises that extensions should not dominate or detract from the original building or the character of an area.

Living conditions

11. A kitchen window is located within the western elevation of No 18. Whilst this window faces the existing driveway and the main side elevation of the appeal property, an obscure glazed lean-to that runs along the side of No 18 extends across a considerable proportion of this window. In addition, the side elevation of the garage of the appeal property is located within close proximity to the south-west of this window. As a result, any existing level of outlook from this window is likely to be very limited. Moreover, whilst the Council states that this is the primary window to the kitchen, a large kitchen window on the southern side of No 18 that looks out into a glass conservatory and the rear garden beyond, is likely to provide the main outlook in respect of this room.
12. The proposal would bring built form closer to the kitchen window on the western side of No 18. Nevertheless, due to the limited level of outlook that the existing occupiers of No 18 are likely to experience from this window, combined with the presence of another window that would be unaffected and is likely to provide the primary outlook from the kitchen, I do not consider that the proposal would result in any material harm to the outlook of the occupiers of No 18. Furthermore, the kitchen is unlikely to be one of the main habitable rooms of No 18 and therefore outlook from this room is likely to be less important for the occupiers of this property than outlook from other habitable rooms in the house which are more likely to be used for sitting down and relaxing.
13. Turning to matters of light, having regard to the presence of a large south facing kitchen window, the kitchen window on the western elevation of No 18 is unlikely to be the main source of daylight for the kitchen of No 18. Furthermore, the presence of the lean-to, the existing side elevation of the garage of the appeal property and, as I observed, some met curtains that were hanging in this window, the level of daylight that reaches the kitchen through this window is already likely to be limited. Whilst the proposal may reduce the level of daylight entering this window further, in light of the above factors, I do not consider this would result in any material harm to light levels within the kitchen.
14. I therefore consider that the proposal would maintain acceptable living conditions for the occupiers of No 18 in respect of outlook and daylight. The proposal would therefore comply with saved Policy QD 27- Protection of Amenity, of the Local Plan, that requires, amongst other things, development not to cause loss of amenity to adjacent occupiers. This policy is consistent

with the broad aims and principles of the Framework that seek planning to secure a good standard of amenity for all existing occupants of land and buildings.

15. The proposal would also comply with the guidance set out in the SPD which advises that extensions should respect neighbour amenity including in respect of outlook and daylight.

Conditions

16. I have had regard to the conditions suggested by the Council. In addition to the statutory time limit condition, a condition specifying the relevant drawings is necessary as this provides certainty. I also agree that a condition relating to materials is necessary in the interests of character and appearance.

Conclusion

17. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be allowed.

Alex Hutson

INSPECTOR