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## Appeal Decision

Site visit made on 16 August 2016

**by Cullum J A Parker BA(Hons) MA MRTPI IHBC**

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

**Decision date: 17 August 2016**

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**Appeal Ref: APP/Q1445/D/16/3150678**

**71 Hill Brow, Hove, Brighton and Hove, BN3 6DD**

- 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 and Mrs Alexander Preece against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03334, dated 14 September 2015, was refused by notice dated 18 March 2016.
  - The development proposed is reduction and reconfiguration of ground floor to the rear and remodelling of the roof in order to incorporate habitable space.
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### Decision

1. The appeal is allowed and planning permission is granted for the reduction and reconfiguration of ground floor to the rear and remodelling of the roof in order to incorporate habitable space at 71 Hill Brow, Hove, Brighton and Hove, BN3 6DD in accordance with the terms of the application, Ref BH2015/03334, dated 14 September 2015, subject to the conditions set out in Appendix A.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the street scene.

### Reasons

3. The appeal site is located within a residential area of Hove. The street scene is characterised by a mixture of dwelling types, styles and sizes. I saw during my site visit that there are a number of nearby properties that have a contemporary style similar to that proposed in this case, with smooth rendered finishes, balconies to their fronts and gabled roof forms – some of the latter of which include overhanging roofs, such as that found at No 69 Hill Brow.
4. The appeal scheme seeks a number of extensions and alterations, including an enlarged roof space by raising the ridge height and provision of 'shed' dormers to provide additional living accommodation in the roof. The proposal also seeks a visually radical overhaul of a mid to late 20<sup>th</sup> Century property with a finish and use of materials more similar to the nearby contemporary style houses. For example, the use of painted smooth render and articulated features. The appeal site is not within a conservation area, nor is there complete uniformity within the nearby built form. Both are factors that permit variety within the design and style of the street scene's character and appearance. What is more, aspects of the proposed design are found within the local area. As such,

the proposed development would both promote and reinforce local distinctiveness.

5. I therefore conclude that the proposed development would not have a materially harmful impact on the character or appearance of the street scene. It would therefore accord with Policy QD14 of the Brighton and Hove City, as supported by the Design guidance for extensions and alterations SPD 12, which amongst other aims seek to ensure that developments are well designed, sited and detailed in relation to the property to be extended, adjoining properties and the surrounding area. It would also accord with the Policies of the National Planning Policy Framework (the Framework), which include that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.

### **Other Matters**

6. A number of concerns have been raised by neighbouring occupiers; I now consider these before coming to an overall conclusion. Neighbours have concerns over a potential loss of light, overshadowing and overlooking arising from the proposed increase in roof height and the mass of the building. However, such assertions are unsupported by any detailed analysis of what degree or type of light would be lost as a result of the proposal or the relationship between side windows or openings on both No 71 and No 73 Hill Brow. What is more, the angles and location of new windows and openings are in places where any overlooking would be at oblique angles and some light is already lost through the mixture of high close boarded fence and walls along the shared boundaries.
7. I also acknowledge that whilst the roof would be increased in height, it slopes away from the shared boundaries which would further mitigate any impact in respect of loss of light. In terms of the balcony, this is to the front of the building and would replace an existing balcony, so any harm in this respect already exists. What is more, the balcony overlooks the public realm rather than a rear garden for example. As a result, I do not consider that the proposal would result in undue overlooking, loss of light or privacy.
8. In terms of damage relating to excavation, building works, the Animal Welfare Act and property values these are not a specific planning matters. I have not considered these further; given that they are principally private matters between various parties.
9. I have considered comments received in terms of highway safety and parking. No objection or comments have been made by the local highways authority in this respect. Furthermore the proposal seeks modest extensions to an existing dwelling, where it would be unusual for additional traffic to equate to a severe residual cumulative impact.
10. I have been referred to Planning Policy Statements PPS1: Delivering Sustainable Development and PPS3: Housing. However, these were essentially replaced by the Framework in 2012, and therefore it is the Framework that is the relevant document. It is also mentioned in the same letter of objection that the site is an *'inappropriate form of development in Green Belt, detrimental to its open, rural and undeveloped character.'* There is no evidence before me that the site is located within the Green Belt. What is more, it was clear at my site visit that the appeal site is not located within an open, rural

and undeveloped area. Instead, I have considered the proposal on the basis of its own planning merits and after having visited the appeal site and the surrounding area.

11. I do not find that these other matters, whether considered individually or in combination, provide justification for the dismissal of the appeal.

### **Conditions**

12. I have considered Paragraph 206 of the Framework and the Planning Practice Guidance in respect of the use of planning conditions. A condition requiring the proposed development to be carried out in accordance with the submitted drawings is necessary for the avoidance of doubt. In terms of materials, these are not shown on the submitted drawings and limited information is provided on the application form. Given the significant external changes as part of the overall design, a condition requiring the submission of details of materials and finishes is necessary and reasonable in this case.
13. Given the residential nature of the area, the suggested condition relating to hours of operation in this case would be reasonable in order to protect neighbouring occupiers from undue noise in the late evening, early mornings and weekends/bank holidays. However, a condition similar to a full construction method statement, as suggested by a third party, would be onerous given the scale of the alterations sought in this case.

### **Overall Conclusion**

14. For the reasons given above, and having taken into account all matters raised, I conclude that the appeal should be allowed.

*Cullum J A Parker*

INSPECTOR

## **Appendix A – List of 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: Block Plan 1, Location Plan 1, S1, S2, S4, S5, S6, S7, S8, S9, P1A, P2A, P3A, P4, P5B, P6A, P7, P8, P9A, P10, P11A, P12 and P13.
- 3) Demolition or construction works shall take place only between 08:00 to 18:00 on Monday to Friday, between 08:00 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 4) No development shall commence until details of the materials and finishes to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.