



Appeal Decision

Site visit made on 19 December 2014

by **P K Jackson B ARCH RIBA**

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

Decision date: 2 January 2015

Appeal Ref: APP/Q1445/D/14/2223083

49 Wivelsfield Road, Saltdean, Brighton, BN2 8FP

- 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 Ms L Kirkcaldy against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/01125 dated 7 April 2014 was refused by notice dated 7 July 2014.
 - The development proposed is erection of hip to barn end roof extension, rear dormer with balcony and widening of vehicular crossover.
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Decision

1. The appeal is allowed and planning permission is granted for hip to barn end roof extension, rear dormer with balcony and widening of vehicular crossover at 49 Wivelsfield Road, Saltdean, Brighton, BN2 8FP in accordance with the terms of the application, Ref BH2014/01125 dated 7 April 2014, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until details of the materials to be used in the construction of the external surfaces of the extensions and alterations 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.
 - 3) Otherwise than set out in these conditions, the development shall be constructed in accordance with the following approved plan: 599/02.

Main issues

2. The main issues in this case are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed first floor rear extension on the living conditions of adjacent occupiers, in terms of overlooking.

Reasons

Character and appearance

3. The appeal property lies at the northern edge of a large area of housing on hilly land behind Saltdean. Open downland lies behind the house and it also enjoys extensive views towards the sea. Whilst houses on the south side of Wivelsfield Road remain much as they were built, as modest detached bungalows, many houses on the higher northern side have been substantially altered and extended, sometimes incorporating prominent, high and significant hard landscaping features between the houses and the road. In particular, No. 47 has a wide rear roof extension with large rear glazed windows, outside platform and front facing rooflights. Nos. 51-57 on the other side of the appeal property are 2 storey properties of a distinctly different style with roof ridges at 90 degrees to the road. There are more varied extensions at the rear. The result is that the character of the north side of Wivelsfield Road is very varied and somewhat eclectic compared with the bulk of the traditional dwellings nearby. Despite these changes, the feeling of spaciousness in the street as a whole remains unaffected.
4. In this context, the proposed rear alteration and front rooflights would not appear out of keeping. Whilst not complying with the letter of the guidance in SPD12 *Design Guidance for Extensions and Alterations*, Supplementary Planning Guidance (SPG) provided by the Council, the particular circumstances present at this site indicate that an exception should be made. The Council indicates that 'cabrio' style rooflights are discouraged but there is one at No. 47 and it is difficult to see how, even if used from time to time and opened such as to project above the roof plane, another one could seriously detract from the character of the road or the area generally. There is nothing 'odd' about its proposed location in the roof plane, which would be in proportion to the ground floor fenestration and the roof as a whole. The new rear 'dormer' would be set back from the roof verge and eaves and would be very hard to see from the street; it would not appear out of place in this row of appreciably altered dwellings. I conclude on this matter that the conflict with the advice in SPG is not so significant as to suggest that permission should be refused. The potential visibility of the rear dormer from the South Downs National Park is of little consequence, given the sloping row of houses and the greater prominence of No. 47.
5. The proposal would not conflict with the design quality aims of policy QD14 *Extensions and Alterations* of the Brighton and Hove Local Plan of 2005 (LP), which remains the statutory development plan for the purposes of the Act. The LP is now of some age but there is nothing in the National Planning Policy Framework (NPPF) to indicate that this policy should attract any less weight.

Living conditions

6. The introduction of doors and glazing into the rear dormer together with a long balcony would increase the likelihood of overlooking being possible into adjoining rear gardens, but there is already a very significant degree of overlooking of the appeal property from Nos. 47 and 51. The new bedroom windows would not add any more mutual overlooking than is already common locally and is considered acceptable in many other residential areas. The balcony would be very narrow and as an adjunct to bedrooms, would be unlikely to be used for a great deal of time. The balustrade end panel is shown to be open on the application drawings but would be small and would not prevent the occupiers of No. 51 from enjoying their rear garden. There would not be an unacceptable perception of increased overlooking. Existing fences

would largely prevent any significant oversight of the most private areas immediately adjacent to the houses. The amenity protection aims of policies QD14 and QD27 would also be met.

Conclusion

7. The proposed alterations to the drive and access to the dwelling are not controversial. Planning conditions are necessary to ensure that the materials used are sympathetic to those existing and that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.
8. For all the above reasons, I conclude that the appeal should be allowed.

Paul Jackson

INSPECTOR

