

Appeal Decision

Site visit made on 5 January 2016

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 28 January 2016

Appeal Ref: APP/Q1445/W/15/3132705
56 Farm Hill, Brighton BN2 6BH

- 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 J Morris against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/00951, dated 18 March 2015, was refused by notice dated 24 June 2015.
 - The development proposed is described as the residential conversion from existing, detached chalet bungalow to 1no. 3-bed and 1no. 4-bed semi-detached, chalet style dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development on the character and appearance of the area;
 - The effect of the development on the living conditions of the occupiers of 58 Farm Hill, having particular regard to privacy, light, and outlook; and,
 - Whether the proposed development would provide acceptable living conditions for future occupiers in terms of the provision of private, amenity space.

Reasons

The effect on the character and appearance of the area

3. The street has a significant slope running its length in which the stepped plots of bungalows, set behind low enclosures on the footway, have a distinct rhythm of pitched roofs with generally consistent eaves and ridge heights. The roof forms tend to be hipped to the street, with gables forming only smaller elements, above bay windows. The consistent gaps, front building lines, and roof massing makes for a distinctive townscape in this street, which descends steeply towards the coast.
 4. I note the care in the design to retain much of the existing eaves on the south, downhill side of the house, while raising the eaves on the north or uphill side of the house, with a consequential raising of the ridge, and the introduction of dormers. However, the hip to gable form and raised gable of the proposal
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- which would face towards Farm Hill would appear incongruous in the surrounding roofscape of generally hipped ends with eaves set at more modest heights.
5. I note that the houses enclosing the close on the other side of the plot are two storeys high, and that the bungalow opposite No 56 has a gabled roof. However, as a result of the combined effect of the gable end form of the proposal, together with the increased height of the eaves along the north elevation, the development would appear at odds with the roofs of the surrounding houses, which are generally hipped.
 6. I note the Council considers the shape of the proposed front dormers out of place and that they would be too prominent. However, their fronts would be set back behind the outermost walls of the south elevation, and their scale above the extended eaves would be modest. Their shape would add interest to the townscape of the building, while retaining the conspicuity of the roof as the central element of roofscape. In the surrounding context, where many roofs have elongated boxes as dormers running across their slopes, I find this aspect of the design would help to redress the design quality of roofscape in the surroundings.
 7. I conclude on this issue, that the raised eaves along the length of the north elevation, together with the hip to gable conversion of the roof, would have a harmful effect on the character and appearance of the area, suggesting overdevelopment of the plot. While the Council refers to Policies QD27 and H05 of the Brighton and Hove Local Plan 2005 (LP), which have little relevance to this issue, it would be contrary to Policies QD3 and QD14 to which it also refers, and which seek amongst other things, development of an intensity appropriate to the prevailing townscape, and which takes into account the character of the area.

The effect on the living conditions of the occupiers of 58 Farm Hill

8. The proposal would contain two windows at first floor facing towards the house to the north, 58 Farm Hill, which has windows in its ground floor flank and in a side dormer, facing the proposal. Whilst the window of the first floor bathroom of the proposal could be conditioned to retain the privacy of these neighbours, without a similar condition for the window of the proposed centre, north bedroom in the proposal, there would be the opportunity for direct, almost perpendicular overlooking into at least one ground floor, flank window of the neighbour, which appears to serve a living space.
9. To a lesser degree, there would be a risk of overlooking, albeit at an acute angle, into the habitable room served by the window in the side dormer of No 58. I have considered imposing a glazing condition on the new bedroom window, but this would adversely affect the living conditions of those occupying the bedroom. As the distance between the relevant windows would be less than 10m, I consider that there would be a risk of overlooking which would harm the privacy of the occupiers of No 58.
10. The uplift of the extended roof and the formation of end gables in place of hips would reduce the amount of light, including south light reaching No 58. Whilst I note that the flank windows in No 58 already have a reduced level of light because of the arrangement of the buildings in this street, on the information before me, I consider that the proposal, when taking into account the effect of

the lengthened ridge of the roof with its gabled ends, would reduce the amount of light received into the ground floor habitable room of No 58 to an unacceptable degree.

11. Given that the uplift of the eaves and ridge of the proposal would be around 1m, and that it would be confined largely to the footprint of the existing house, as well as the ground floor level of No 58 being approximately half a metre higher than the ground floor level of the proposal, I do not consider that the development proposed would reduce the outlook from No 58 to a materially harmful degree. I have had regard to the dormers proposed, but as they would be relatively small and located close to the eaves, I find that they would not, when combined with the roof uplift, compound the effect of the main roof on outlook to such a degree as to result in an overbearing presence in the roofscape or an excessive sense of enclosure.
12. I conclude on this issue, that while the proposal would not have an adverse impact on outlook, it would, by allowing overlooking into No 58 and by reducing the amount of light its habitable rooms may receive, materially harm the living conditions of the occupiers of 58 Farm Hill, and would in this respect be contrary to LP Policy QD27 which requires development not to cause material loss of amenity to adjacent occupiers.

The provision of private amenity space for future occupiers

13. The Council is concerned over the proposal's lack of private, useable amenity space for the house on the Farm Hill side of the development, and has referred to LP Policy H05 which seeks in new residential development the provision of space appropriate to the scale and character of the development. While the proposal would retain part of the garden of the existing house for this plot, it would be exposed to passers-by using the adjacent footways. The privacy it would provide, essential for a 3-bedroom house which may be occupied by a family, would be very limited.
14. The appellant has suggested erecting screening walls of substantial height along the back edge of footway to provide privacy to the garden of the house on the Farm Hill side. However this was not included in the proposal which was consulted upon, and, apart from a computer generated image, no details of this proposal have been provided. The Council has indicated that it would consider such screening harmful to the character of the street scene, which has relatively low front boundaries, and I am inclined to agree. Therefore, I conclude on this issue that the house closest to Farm Hill would have insufficient private, useable amenity space and would thereby provide unacceptable living conditions for future occupiers, contrary to Policy H05 of the LP.

Other Matters

15. The Council, in its statement of case and in its officer report, has indicated that it seeks a contribution to footway improvements by means of a planning obligation in order to offset the impact of the additional dwelling. However, it has not submitted any quantified evidence of the additional demand or the details of the methodology of its calculation. The obligation sought would not meet all the statutory tests, and has therefore not been taken into account.

16. I note the representations from neighbours including concerns over additional traffic and pressure on the street parking in the area. The additional traffic generated by the proposal would not alter significantly the present volume of traffic in the surrounding roads, and there is no evidence of safety or capacity issues. The development would provide parking in accordance with the Council's parking standards, and I note that the local highway authority raises no objection to the proposal. I consider that the proposal would provide sufficient parking in accordance with the LP and would not result in an adverse impact on highway safety or traffic flow.

Conclusion

17. Whilst the development would provide a modest benefit of one additional house to local housing supply, this is outweighed by the harm to the character and appearance of the area, and the unacceptable harm it would cause to the living conditions of surrounding and future occupiers, which is in clear conflict with the policies of the development plan. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR