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## Appeal Decision

Site visit made on 3 April 2017

by **Clive Tokley MRTPI**

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

Decision date: 12<sup>th</sup> April 2017

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**Appeal Ref: APP/Q1445/D/16/3161374**  
**7 Berriedale Avenue, Hove, BN3 4JF.**

- 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 Mrs Sara Ovenden against the decision of Brighton and Hove City Council.
  - The application Ref BH2016/02224 dated 15 June 2016 was refused by notice dated 12 August 2016.
  - The development proposed is a first floor extension over existing garage.
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### Decision

1. The appeal is allowed and planning permission is granted for a first floor extension over existing garage at 7 Berriedale Avenue, Hove, BN3 4JF. The permission is in accordance with the terms of the application BH2016/02224 dated 15 June 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: 37/01, 37/05, 37/06, 37/07 and 38/08.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

### Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and its effect on the living conditions of the occupiers of No 5 Berriedale Avenue as regards light and outlook.

### Reasons

#### *Character and appearance*

3. Berriedale Avenue is one of a number of streets running at right angles from the Hove sea front. It is fronted by detached and semi-detached houses. The houses have hipped roofs and a range of front square bay and bow windows under gabled and hipped roof projections. Whilst there is a variety of detailing the essential character of the houses is derived from their large windows with a
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consistent finish of white render at first floor level with brick work below and tile hanging to the bays.

4. Most of the gaps between the dwellings are occupied by single garages or pairs of garages. The garages are of no consistent design and I saw that a number of the single garages had been extended at first floor level. Some the examples that I saw have been designed to reflect the detailing of the host houses (for example at No 26) whereas others are more crudely designed with no architectural merit.
5. The principal distinctive features of the appeal dwelling are its bay and bow windows which dominate its front elevation and its tall white-rendered chimneys rising from its southern flank wall. The proposed extension would be a narrow addition of simple design that would contrast with the boldness of the front elevation of the house. The building would be lower than the main body of the house and I consider that as result of its size and design it would appear subservient to the host dwelling. The flat roof would be disguised by a low parapet with a brick detail that mimics that of the existing garage and I consider that the proposal would not detract from the character or appearance of the dwelling.
6. I note the Council's observation that some of the first floor additions in Berriedale Avenue do not have planning permission but they are nevertheless part of the fabric of the street and cannot be ignored. Whilst the proposal would reduce the gap between No 5 and No 7 at first floor level the houses would be clearly distinguished at roof level. When viewed along the street in either direction the first floor would be screened by the projecting bays and I consider that in the context of those strong features the proposal would have very limited effect on the appearance of the street. When seen square-on from the road the reduced space between the dwellings would be apparent but I consider that taking account of the dominant features at the front of the houses and the narrowing of spaces elsewhere the rhythm of the street would not be harmed by the proposal.
7. The Council draws attention to the design principles for two-storey side extensions set out in its *Supplementary Planning Document – design guide for extensions and alterations* (SPD12) and I agree that in a number of respects the proposal would not comply with that guidance. However I consider that the design of the extension would not detract from the host dwelling and that the failure to maintain a gap between the flank wall and the boundary would not harm the distinctive character of the area.
8. On this issue I conclude that whilst the proposal would not adhere to the SPD12 guidance it would not detract from the character and appearance of the area and would not conflict with Policy QD14 of the *Brighton & Hove Local Plan* (LP).

#### *Living conditions*

9. No 5 Berriedale Avenue has a number of windows in its flank wall facing No 7. The largest of these is glazed in decorative obscured glass and lights the stairway. The front edge of that window is roughly in line with the rear wall of the garage at No 7 and would therefore be similarly positioned behind the proposed first floor addition. The proposal would lie to the north of that window off-set to the west. There is no outlook from the window and taking account of

the size of the window and its orientation I consider that the proposal would have a limited effect on natural light reaching the stairway. An obscure-glazed first-floor window is located directly opposite the flank wall of the proposal. The top of this window is directly below the eaves of No 5 and therefore it would continue to receive light from above the proposed extension. My impression was that this window does not serve a main habitable room. No outlook would be lost and I consider that any limited loss of light arising from the proposal would have no material harm on living conditions.

10. At ground floor level the garage is alongside the obscure-glazed side panels of a recessed front porch. The porch also receives light through narrow windows alongside and within the door and a transom window. The proposal would have no effect on the outlook from the porch and would have very limited effect on light reaching the porch.

11. On this issue I conclude that the proposal would not result in a material loss of amenity to the occupiers of No 5 and would not conflict with LP Policy QD27 (Protection of Amenity).

### **Conclusion**

12. Taking account of all matters I have concluded that the proposal would not be harmful to the character and appearance of the area or the living conditions of the occupiers of No 5 Berriedale Avenue and that the appeal should succeed.

13. I have imposed the normal conditions controlling the commencement of development and identifying the approved drawings. In order to achieve a satisfactory appearance I have imposed a condition requiring that the external materials must match those of the host building.

*Clive Tokley*

INSPECTOR

