

## Appeal Decision

Site visit made on 18 April 2017

by **Nicola Davies BA DipTP MRTPI**

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

Decision date: 11 May 2017

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**Appeal Ref: APP/Q1445/D/17/3172257**

**84 Wayland Avenue, Brighton**

- 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 W Catchpole against the decision of Brighton & Hove City Council.
  - The application Ref BH2016/05928, dated 25 October 2016, was refused by notice dated 1 March 2017.
  - The development proposed is described as "*a first floor side extension, internal alterations*".
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues raised in respect of the appeal are the effect of the proposed development on the character and appearance of the area and the living conditions of adjoining occupiers.

### Reasons

#### *Character and appearance*

3. Wayland Avenue is characterised by a mix of detached two-storey and single-storey properties. I observed that there is a general sense of space between dwellings within this streetscene and where garages or single-storey side extensions are positioned adjacent to side boundaries, most properties retain space above. These spaces contribute to the rhythm and pattern of development in the area and forms part of the overall character of the area.
  4. Supplementary Planning Document 12 'design guide for extensions and alterations' requires a minimum width of 1 metre to be maintained between the side boundary and the extension. It also advises that where the property is located in a more spacious plot, a greater separation may be more appropriate.
  5. In this area the spaces between dwellings are generally greater than 1 metre. Whilst the proposed development at first floor level would meet with this requirement and retain a gap between dwellings, the resulting space between the proposed extension and No 86 Wayland Avenue would not reflect the more generous spaces between properties within the area. Furthermore, the appearance of built development close to the side boundary of No 36 would be
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more pronounced as No 36 is a bungalow. The proposed development would therefore be out of keeping with the character and appearance of this streetscape that predominantly incorporates significant space between dwellings and side boundaries.

6. I therefore conclude that, for the above reasons, the proposed development would have a harmful effect on the character and appearance of the area. It would be in conflict with Policy QD14 of the Brighton & Hove Local Plan which seeks extensions to existing buildings to take account of the existing space around buildings and the character of the area, amongst other matters.
7. Whilst the Council considers the design of the pitched roof, bridging the difference in the footprint of the ground and first floor, would create an overly complicated form, I observed that other examples of similar small side pitched roofs in the area. The form of the proposed development in this respect would not be appreciably different to that of existing development in the area.

#### *Living conditions*

8. The side elevation of No 86 Wayland Avenue hosts three windows that face toward the appeal site and the proposed side extension. These windows are positioned in close proximity to the common boundary. The side windows of No 86 currently have some outlook over the roofs of the existing single-storey extensions and I observed that daylight and sunlight was able to reach these windows. Although the ground floor footprint would remain unchanged, the proposed second storey would add considerable bulk in close proximity to at least two of these windows. The combination of the height and proximity of the proposed two-storey extension would restrict light to these windows. This would make the internal rooms of this adjoining property gloomier as a result, even if these are secondary windows.
9. I acknowledge there are a number of rooflights within the side roof slope of No 86 that face toward the appeal site. The Council has not raised concern to the proposal in respect of these windows and living conditions. I have no reason to come to a different view on this matter.
10. For the reasons above, I conclude that the proposal would be harmful to the living conditions of the adjoining occupiers. The proposed development would be contrary to Policies QD14 and QD27 of the Brighton & Hove Local Plan which require extensions not to result in significantly loss of outlook, daylight/sunlight or amenity to neighbouring residents, amongst other matters. The proposed development would also be contrary to the aims of paragraph 17 of the National Planning Policy Framework that seeks to secure a good standard of amenity for all existing occupants of land and buildings.

#### **Conclusion**

11. For the reasons given above, I conclude that the appeal should be dismissed.

*Nicola Davies*

INSPECTOR