



Appeal Decision

Site visit made on 8 March 2018

by **R J Maile BSc FRICS**

an Inspector appointed by the Secretary of State

Decision date: 19th March 2018

Appeal Ref: APP/Q1445/D/18/3194743

43 Ainsworth Avenue, Ovingdean, Brighton, East Sussex, BN2 7BG.

- 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 G Payne against the decision of Brighton & Hove City Council.
 - The application ref: BH2017/03555, dated 19 October 2017, was refused by notice dated 8 January 2018.
 - The development proposed is: "Rear ground and first floor extension and associated internal alterations to existing detached house."
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Procedural Matter

1. The description of development in the heading above has been taken from the planning application form.
2. In Part E of the appeal form it is stated that the description of development has not changed. Nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original planning application form.

Decision

3. The appeal is allowed and planning permission is granted for rear ground and first floor extension and associated internal alterations to existing detached house at 43 Ainsworth Avenue, Ovingdean, Brighton, East Sussex, BN2 7BG, in accordance with the terms of the application ref: BH2017/03555, dated 19 October 2017, subject to the conditions set out in Annex A to this decision.

Main Issue

4. The main issue in this case is the effect of the development upon the character and appearance of the host building and that of the surrounding area.

Reasons

5. The appeal property comprises a detached house located within a mixed residential area.
6. Ainsworth Avenue slopes upwards from its junction with Greenways. The land to the rear of the appeal site rises also, such that nos. 45 and 47 to the rear

- and east of no. 43 respectively, are at a higher level. However, there is a mature hedge running along the rear boundary of the appeal site that provides partial screening to those adjacent dwellings.
7. The scheme before me would involve the erection of a first floor rear extension with associated roof extension and revised fenestration, incorporating a Juliette balcony. It is also proposed to erect a ground floor extension to the rear, again incorporating revised fenestration.
 8. National policy in the Framework¹ contains a presumption in favour of sustainable development, while Chapter 7 (Requiring good design) emphasises the importance the Government attaches to the design of the built environment. Amongst other matters, paragraph 58 of the Framework states that planning policies and decisions should aim to ensure that developments optimise the potential of the site to accommodate development, which should respond to local character and reflect the identity of local surroundings and materials.
 9. Policy CP12 of the Brighton & Hove City Plan Part One (March 2016) reflects national policy by requiring all new development to raise the standard of architecture and design in the City and to respect the diverse character and urban grain. Policy QD14 of the Local Plan² relates specifically to extensions and alterations, which should be well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. My attention has also been directed to the Council's adopted SPD 12³, which provides detailed advice on design issues in relation to extensions and alterations.
 10. The only increase in the footprint of the building is a small ground floor rear extension to provide a utility room. The first floor rear extension would be located above the dead space formed by the existing rear projection. The roof form reflects that of the existing side extension and it would be set well below the main ridge height.
 11. I am satisfied that the front parapet wall and its resultant minor increase in height above the eaves level of the main roof would not be highly visible as viewed from the public domain having regard to the sloping nature of the site. I understand that a similar parapet wall was previously approved by the Council (planning application ref: BH2010/02553). The extensions would be constructed using matching materials, as detailed in the planning application form.
 12. For all of these reasons I have concluded that the scheme before me, which is to a high standard of design, would be subservient to the main dwelling and would not appear excessive in relation to the host building given the extent of the flank garden. The dwelling as extended would also accord with the varied nature of its surroundings.
 13. I therefore find upon the main issue that development as proposed would not be harmful to the character and appearance of the host building or that of the surrounding area. As such the scheme would accord with national policy in the

¹ The National Planning Policy Framework.

² Brighton & Hove Local Plan 2005: Brighton & Hove Local Plan Policies Retained on Adoption of the Brighton & Hove City Plan Part One (March 2016).

³ Brighton & Hove City Council Local Development Framework: SPD 12 "Design Guide for Extensions and Alterations" Supplementary Planning Document (adopted 20 June 2013).

Framework and the policies of the Development Plan to which I have referred above, together with the detailed advice set out in the Council's adopted SPD 12.

Other Matters

14. I have noted the concerns raised by neighbours relating to issues of design and loss of privacy. However, given the siting, orientation and levels of the appeal site in relation to the adjoining properties at 45 and 47 Ainsworth Avenue, and subject to the conditions I shall impose, I am satisfied that there would be no unacceptable harm to the amenity of neighbouring occupiers in terms of loss of privacy or overlooking, as required by Policy QD14 b. of the Local Plan.

Conditions

15. The Council has put forward a total of four conditions to be imposed should I be minded to allow the appeal, which I have considered against the tests of the Framework and advice provided by the Planning Practice Guidance issued on 6 March 2014.
16. The materials to be used in constructing the development have been specified in section 11 of the planning application form and match, where appropriate, those used in the existing building. A separate condition requiring the use of matching materials, as requested by the Council, is therefore unnecessary.
17. I find the balance of the conditions to be both reasonable and necessary in the circumstances of this case. I must also impose an additional condition (no. 3), for the reasons given below.
18. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990.
19. Condition 2 restricts access to the flat roofed area over the ground floor single storey extension other than for purposes of maintenance or in the event of an emergency. It is required in order to ensure that the privacy and amenities of adjoining occupiers are safeguarded.
20. For the same reason it is necessary for me to impose a condition (no. 3), as referred to in the Officer's Report and in the appellant's grounds of appeal, requiring that the bedroom window to be provided in the east-facing elevation at first floor level be obscure glazed and non-opening below a height of 1.7m above finished floor level.
21. Condition 4, which requires the development to be carried out in accordance with the approved plans, provides certainty.

Conclusion

22. For the reasons given above, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR

Schedule of Conditions

Annex A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Access to the flat roof over the ground floor single storey extension hereby permitted shall be for maintenance or emergency purposes only; and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
- 3) Before any part of the first floor extension hereby permitted is first occupied the east-facing bedroom window shall be obscure glazed and non-opening below a height of 1.7m above finished floor level and thereafter permanently retained in that condition.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no.

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| 15087-P-001: | Location Plan – scale 1:1250. |
| 15087-P-002 Rev B: | Proposed Block Plan – scale 1:500. |
| 15087-P-010: | Existing Ground Floor Plan – scale 1:100. |
| 15087-P-011: | Existing First Floor and Roof Plans – scale 1:100. |
| 15087-P-020: | Existing East and South Elevations – scale 1:100. |
| 15087-P-021: | Existing West and North Elevations – scale 1:100. |
| 15087-P-022 Rev A: | Existing/Proposed Context Elevation (South) – scale 1:100. |
| 15087-P-110 Rev B: | Proposed Ground Floor Plan – scale 1:100. |
| 15087-P-111 Rev C: | Proposed First Floor and Roof Plans – scale 1:100. |
| 15087-P-120 Rev B: | Proposed East and South Elevations – scale 1:100. |
| 15087-P-121 Rev C: | Proposed North and West Elevations – scale 1:100. |