



# Appeal Decision

Hearing held on 24 June 2009  
Site visit made on 24 June 2009

by **R J Marshall** LLB Dip TP MRTPI

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

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**Decision date:**  
**14 July 2009**

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## Appeal Ref: APP/Q1445/A/09/2100912 8, Wivelsfield Road, Saltdean, BN2 8FQ

- 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 D Burnett against the decision of Brighton & Hove City Council.
- The application Ref BH2009/00063, dated 6 January 2009, was refused by notice dated 23 March 2009.
- The development proposed is a rear extension and roof conversion.

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### Decision

1. I dismiss the appeal.

### Procedural matters

2. At the appeal an application for cost was made on behalf of Mr D Burnett against Brighton & Hove City Council. This application is the subject of a separate Decision.

### Main issues

3. The main issues in this appeal are the effect of the proposed development on:  
first, the character and appearance of the surrounding area; and  
second, the living conditions of neighbours with special reference to visual impact on the occupants of No.10 Wivelsfield Road.

### Reasons

#### *Character and appearance*

4. The appeal property is sited amidst suburban dwellings. It is a bungalow with a fully hipped roof. To create additional space for accommodation it is proposed that the roof should be raised slightly and a ridge line created running parallel to the road. This newly created roof would be of a semi-hipped design. It is also proposed to extend the property rearwards with a roof containing a ridge running at 90° to the road frontage.
5. The Council's main concern on this issue is that the scale and design of the proposed extension would make the appeal property appear unduly prominent and out of keeping amidst a uniform group of buildings.

6. However, the height of the roof would be raised only slightly and at roof level there would still be sufficient room between properties to either side to ensure the retention of a reasonably spacious appearance. The semi-hipped roof design would assist in limiting the bulk of the new roof. The extension to the rear would be barely seen in views from Wivelsfield Road or other public areas. To the limited extent that it would be seen from Wivelsfield Road it would be partly in the context of the lengthy ridge line of the adjoining bungalow at No. 6. For all these reasons I am satisfied that the appeal building as extended would not look unduly prominent.
7. Turning to the Council's concern on uniformity, the appeal property is one of 3 adjoining hipped roof bungalows in Wivelsfield Road. However, the frontage of the appeal property has already been altered by a garage extension and thus appears different from the other 2 properties. Moreover, in the vicinity of the site Wivelsfield Road contains a wide range of properties including bungalows, chalet bungalows and houses. In this context, although the proposed development would comprise a fairly substantial change in the appearance of appeal building, it is a satisfactory design solution.
8. Moreover, quite a number of properties nearby have unattractive large flat roof dormers. The appellant's approach towards providing additional roof space is far more satisfactory in visual terms.
9. I conclude that the proposed development is well-designed and takes appropriate account of the character of the area. As such it would accord with Policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan 2005.

***Neighbours' living conditions***

10. The Council's sole concern on this issue is on the visual impact of the proposed development on the occupants of the adjoining property at No. 10 Wivelsfield Road.
  11. This neighbouring property is a bungalow with its main front and rear elevations broadly in line with those of the appeal property. The proposed extension would result in a slightly taller side elevation facing No. 10. This together with the proposed part gable end design would result in a more dominant feature adjoining this neighbouring property. It would not however appear unacceptably over-dominant when seen from the side windows in the main part of this bungalow given the already restricted outlook from them.
  12. However, the proposed rear extension would extend the appeal property alongside the side elevation of a rear conservatory at No. 10. Given the length of the extension, and the relatively narrow gap of just over 2.5 m between the properties, this would make the appeal property appear over-dominant and intrusive in views from the conservatory. In arriving at this view I accept that the appeal site is on lower lying land. However, any benefit that this might have would be negated by the extent to which the eaves height of the proposed development would be higher than those currently on the appeal property. It could be argued that views from the neighbour's conservatory are themselves slightly unneighbourly. However, that does not justify the current proposal.
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13. In arriving at this view I appreciate that Local Plan Policy QD14 which the Council relies upon on this issue says in its explanatory text that extensions to residential properties should normally be sited at least 1 metre from a joint boundary. This is stated as being to prevent loss of light to adjacent properties. In its Committee report the Council placed some weight on this aspect of the Policy not being met. At the hearing, however, it conceded that the extension would in fact be just over 1 m from the common boundary with No. 10 Wivelsfield Road. The confusion arose as the Council had relied upon those application plans that inaccurately showed the gap to the boundary rather than a corrected later submission.
14. That said I do not consider that this weakens the Council's stance. Policy QD14 as a whole considers more than just loss of light to neighbouring properties. It also refers to matters such as outlook which is of more direct concern to the Council. I do not read the explanatory text as meaning that all extensions over 1 m from a common boundary will be acceptable. It may be that in many cases such a gap would prevent undue loss of light. However, it does not mean that other harm, such as that which I have found in this case, would not arise.
15. I now turn to considerations raised solely by neighbours, to both sides of the appeal site and to the front and rear. I have carefully considered the points raised on, amongst other things, loss of privacy and light. However, I am satisfied that factors such as the relative disposition of windows and the distance to the proposed development from these properties would prevent the harm alleged. Lack of harm in these respects does not, however, outweigh the other harm I have found.
16. I conclude that the proposed development would detract from the living conditions of the occupants of No.10 Wivelsfield Road, with special reference to visual impact. It would be contrary to Local Plan Policy QD14 in so far that it seeks to prevent such harm.

### **Conclusion**

17. Harm on the second issue outweighs the lack of harm on the first issue.
18. For the reasons given above I conclude that the appeal should be dismissed.

*RJ Marshall*

INSPECTOR

### **DOCUMENTS**

- 1 Letter of notification of appeal and those notified.

