

# Appeal Decision

Site visit made on 23 July 2018

**by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 August 2018**

## **Appeal Ref: APP/Q1445/D/18/3202139**

### **97 Brading Road, Brighton BN2 3PE**

- 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 Sandra Castle against the decision of Brighton & Hove City Council.
- The application, Ref. BH2018/00481, dated 30 January 2018, was refused by notice dated 26 March 2018.
- The development proposed is a loft conversion constructing a flat roof dormer over the rear office linking into the existing dormer.

### **Decision**

1. The appeal is dismissed.

### **Main Issues**

2. The main issues are the effect of the proposal on the character and appearance of the dwelling and its surroundings and the effect on the living conditions for the occupiers of the house and adjoining properties as regards outlook.

### **Reasons**

3. The appeal scheme seeks to add a flat roofed extension in the form of a box dormer over most of the length of the roof of the existing outrigger to the property. The new dormer would join up with the existing full width dormer on the rear roof plane of the dwelling, thereby creating a single unit of accommodation.
4. However, the existing outrigger is already two storeys in height and I consider that the overall bulk and flat roof of the combined extensions would, through the effective creation of a fully three storey addition to the dwelling, be unduly dominant in relation to both the existing house and its neighbours in this closely knit terrace with its high depth to width proportions.
5. The Officer's report explains that proposals of this type are precluded by the Council's Design Guide for Extensions and Alterations SPD 2013. And having consulted this document I agree with this view because the proposed extension would occupy the full width of the outrigger's flat roof.
6. On the second issue, I saw on my visit that there is very limited outdoor space immediately to the rear of Nos. 97 and 99 between their two extensions. The

addition of a third storey at No. 97 would increase the sense of enclosure for the occupiers of both properties to an unacceptable extent.

7. I acknowledge that the appellants are not concerned on this point as regards their own dwelling and that there has been no objection made by the neighbour. Nonetheless the planning system seeks to prevent such unsatisfactory relationships in the long term public interest.
8. Overall, I consider that the proposal would harm the character and appearance of the dwelling and its surroundings and have an adverse effect on the living conditions for the occupiers of the house and the adjoining property at No. 99 as regards outlook. This would conflict with Policies QD14 & QD17 of the Brighton & Hove City Plan Part One 2016 and with Government policy in Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2018.
9. I have seen the photographs of other similar developments in Bonchurch Road attached to the grounds of appeal. In the case of No.113, as far as I can tell this appears to have been constructed under a Certificate of Lawful Development, but in my view this does not mean that this and other mechanisms of permitted development should necessarily be binding on planning judgements made in the assessment of applications. The latter are decided having regard to adopted policies and planning guidance, even if this is sometimes perceived as being inconsistent.
10. For the reasons set out above the appeal is dismissed.

*Martin Andrews*

INSPECTOR