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## Appeal Decision

Site visit made on 6 November 2018

**by P Wookey BA (Hons) DipTP MRTPI**

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

**Decision date: 07 December 2018**

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**Appeal Ref: APP/Q1445/W/18/3200169**

**Maddalena, 16 Bazehill Road, Rottingdean BN2 7DB**

- 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 J Edwards against the decision of Brighton & Hove City Council.
  - The application Ref BH2017/01942, the date received 7 June 2017, was refused by notice dated 26 October 2017.
  - The development proposed is for the erection of a detached four bedroom dwelling to replace existing dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached four bedroom dwelling to replace existing dwelling at Maddalena, 16 Bazehill Road, Rottingdean BN2 7DB in accordance with the terms of the application, Ref BH2017/01942, the date received 7 June 2017, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Block Plan; Floor Plans and Elevations 10326-1B.
  - 3) No development shall commence until details including samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details of samples.

### Procedural Matter

2. The application form submitted in the appellants appeal file was not copied in its entirety, omitting the date on which it was signed. Therefore the date the application was received by the Council has been used.

## Main Issues

3. The main issues of the proposal are:

- The effect on the character and appearance of the surrounding area and
- The effect of the proposal on the living conditions of the occupiers of No 14 Bazehill Road.

## Reasons

4. Maddalena, 16 Bazehill Road (No 16) is an existing detached chalet bungalow located on a private road, situated off the main Bazehill Road. Properties along Bazehill Road vary in architectural style and scale. Most are two storey dwellings with large gardens to the front and rear. The front elevation of No 16 is obscured from properties on the opposite side of Bazehill Road by a mature border of trees and shrubs.

### *The effect on character and appearance of the area*

5. The proposal is to demolish the existing bungalow at No 16 and develop a new four bedroom two storey dwelling on the site. The front elevation would be set back from the private road and be slightly forward of the neighbouring property at No 14 Bazehill Road (No 14), which is at a lower level and partially obscured by a tall retaining boundary wall between the two properties.
6. During my site visit, I observed that there was no distinctive architectural style prevailing on Bazehill Road and many properties have been modernised or extended. There are also some newly developed properties within the street scene which has created a diverse variety of house types.
7. There is no uniform building line along the private road leading to No 16 and beyond; properties are staggered and mainly set back from the front of their plots. No 14 and No.18 Bazehill Road are both larger properties than the existing No 16 and have boundary walls and mature planting which would partially obscure the new dwelling. Whilst the new dwelling would project slightly forward of No 18, this would not appear incongruous, but rather would be compatible with the diverse pattern of development evident in the wider streetscene.
8. In relation to the size, design and position of the proposed dwelling, this would be similar to other properties in the immediate vicinity and as a result would not give an appearance of overdevelopment. Whilst the new dwelling would have a staggered layout on its side elevation with No 14 and be partly visible from Bazehill Road, this is not untypical of the streetscape in the area. The design incorporating single storey development along the boundary with No 14 would retain adequate space in the street scene and would not appear over dominant in relation to No 14, which itself is prominent along the boundary with No 16.
9. I have therefore concluded that the proposed development would not cause a harmful effect to the character and appearance of the surrounding area and would not be contrary to Policies QD14 of the Brighton and Hove Local Plan (the Local Plan) 2005 and CP 12 of the Brighton and Hove City Plan 2016 (the City Plan) which amongst other things seek to ensure good design as a result of new development.

*The effect of the proposal on the living conditions of occupiers of No 14 Bazehill Road*

10. Policy QD27 of the Local Plan seeks amongst other things to protect the loss of amenity of existing and adjacent users to new development. The properties most likely affected by the new dwelling are No 14 Bazehill Road (No 14) and the property at the rear, No 11 Royles Close.
11. The relationship between No 14 and No 16 is such that No 14 is slightly lower than No 16. At the front of No 14 there is a tall boundary wall separating the two properties, which partially obscures the view of No 16. Along the side and rear elevations, there is a tall wall and wooden fence of the same height which helps to create an acceptable boundary and preserves privacy between the two properties. The height, distance from the shared boundary and staggered effect of the kitchen at the rear of the new dwelling would help to reduce any overshadowing or overbearing effect on No 14. The design of the new dwelling would not include windows along its boundary with No14, so there would be no harmful effect caused by overlooking or loss of privacy.
12. The fenestration at the rear of the new dwelling would not result in any overlooking of No 11 Royles Close and I note that the Council has not identified any harm regards the relationship of the new dwelling at No 16 and No 11 Royles Close.
13. On this matter I have concluded that there would be no harmful effect on the living conditions of adjoining occupiers and therefore find no conflict with Policy QD27 of the Local Plan, which seeks to ensure that new development does not give rise to a loss of amenity for adjoining occupiers.

### **Other Matters**

14. I have been made aware of the planning history of the site and whilst I have considered the details<sup>1</sup>, as I have found the proposal to be acceptable in its own right, the previous decision has not been a guiding factor.

### **Conditions**

15. I attach a number of conditions which I have considered against the advice in the Framework and Planning Practice Guidance relating to the commencement date; securing the development in accordance with the submitted plan as this creates certainty and materials for the purposes of character and appearance.

### **Conclusions**

16. I have concluded that the proposed new dwelling at No 16 Bazehill Road would not cause a harmful effect to the character and appearance of the area nor the living conditions of the occupiers of No 14 Bazehill Road and therefore would not be contrary to the policies of the development plan. For the reasons set out above the appeal is allowed.

*Paul Wookey*

Inspector

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<sup>1</sup> Application ref: BH2016/01420

