



Appeal Decision

Site visit made on 14 April 2010

by **M F Aldous BA (Hons), Dip Mgt, MRTPI**

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

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Decision date:
19 April 2010

Appeal Ref: APP/Q1445/D/10/2123216

11 Carden Avenue, Patcham, Brighton BN1 8NA.

- 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 Paolo Packham against the decision of Brighton & Hove City Council.
- The application Ref BH2009/02255, dated 14 September 2009, was refused by notice dated 16 December 2009.
- The development proposed is the removal of a chimney and existing rear extensions and the construction of new extensions to rear, side and front.

Decision

1. I dismiss the appeal.

Main issues

2. The main issues in this case are:
 - i) The effect of the proposal on the character and appearance of the building and the surrounding residential area; and
 - ii) The effect of the proposal on the living conditions of the occupiers of 9 and 13 Carden Avenue, with particular regard to overbearing impact.

Reasons

Character and Appearance

3. The appeal property is a sizeable, detached family house in an area typified by such dwellings and which, in the immediate vicinity of the site, are mostly individually designed. In its current form the dwelling represents a nicely proportioned and balanced property with a pleasing front elevation which contributes positively to the general street scene.
4. The property is adjoined by others on all sides. It enjoys the benefit of a substantial rear garden containing trees, but despite this its rear elevation is still readily visible from a number of other properties. To the side it enjoys a good deal of separation from number 13 to the east, but number 9 to the west has a much closer spatial relationship with the appeal dwelling.
5. The proposed works would see the removal of one of the two chimney stacks and the single storey side utility room extension, with minor amendments to the front roof form and the bringing forward of the front of the garage. However, the net result would feature relatively little substantive change to the

- main front elevation, preserving its essential shape and character, and as such I find this aspect of the proposal to be acceptable.
6. The remodelled house would extend considerably further back into the site at two storey level, with the existing summer house area to the rear of the existing garage also absorbed into the building in a single storey form. The works would add considerably to its overall bulk and mass and changes at the first floor level would see every one of the four bedrooms equipped with an en-suite bathroom, with a fifth master bedroom suite incorporated into the roof space at second floor level.
 7. The level of change is therefore rather ambitious and significant and both side elevations and the rear elevation would be significantly amended in order to incorporate the substantially increased floor space. This would be notably evident to the rear, where the existing gabled features would be removed and replaced by a central stair case tower that would extend from the ground to within a metre or so of the roof ridge line.
 8. This feature would represent a stark and inconsistent contrast to the more traditional lines and elevational treatment of the house. In my view given the particular size and prominence of this feature it would represent a significantly discordant element that would not sit well with the retained and overall shape and character of the dwelling.
 9. This element would be prominent and readily visible when viewed from surrounding properties and would form a significant bulky increase to the profile of the building when viewed from the east, where new window openings at upper levels of the building would also register as features that are inconsistent with the prevailing character of the house. To the west, the revised side elevation would be largely contained by the close proximity with number 9 Carden Avenue but would have a considerably increased mass and bulk and a net gain in window openings.
 10. I concur with the view expressed by the Council that overall the net result would be to produce a disjointed and rather incongruous blend of traditional and more contemporary features that would register as an incoherent treatment, harmful to the visual qualities of the building and the character and appearance of the surrounding area and in conflict with saved policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan (Local Plan).

Living Conditions

11. The Council has cited the properties to be most affected in this respect as numbers 9 and 13 Carden Avenue. Other dwellings to the rear in Overhill Gardens and Charles Kingston Gardens have a more significant degree of separation with intervening landscape features, and as such are unlikely to suffer any damaged amenity as a result of the proposal.
12. With regard to the occupants at number 13 I consider the same applies. The two houses have a good degree of side to side separation with intervening gardens, walls and garaging arrangements. Whilst the east elevation of the appeal property would be amended, the single storey projection under a flat roof would effectively be behind the garden wall. At the upper levels window openings would be inserted but two of these would be to bathrooms and would

be fitted with obscured glazing. Given the distance involved I do not consider that any unacceptable overlooking would result and for similar reasons the remodelled side elevation would not be have any notable effect upon enclosure or create an overbearing relationship with number 13 or its garden areas, which are quite extensive.

13. As indicated above, number 9 has a much closer physical relationship with the appeal property. Number 9 also has a smaller rear garden which is already quite enclosed given the containment afforded by the dwellings to the side and by Charles Kingston Gardens properties a fairly short distance to the north.
14. The proposed amendments to the western side elevation of the appeal property would be significant. Although the existing single storey utility room would be removed, the remodelled building would be increased by around three metres in depth, extending along a good proportion of the rear garden to number 9. Given that the extension would be two storey in nature, close to the mutual boundary, this would inevitably create a greater sense of enclosure and would deprive the immediate garden area of some light, particularly during the early part of the day.
15. On balance I consider the net result to be harmful to the living conditions of the occupants of number 9 and thereby inconsistent with the requirements of saved policies QD14 and QD27 of the Local Plan.

Conclusions

16. I have found this proposal to be unacceptable in terms of its effect upon the character and appearance of the building and the surrounding area and because of its adverse implications for the living conditions of the occupiers of 9 Carden Avenue. In both respects the proposal is in conflict with the adopted development plan. For the reasons set out above, and having had full regard to all other matters raised, I therefore conclude that this appeal should not succeed.

Michael Aldous

INSPECTOR

