



---

# Appeal Decision

Site visit made on 2 January 2013

**by M C J Nunn BA BPL LLB LLM BCL MRTPI**

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

**Decision date: 26 March 2013**

---

## **Appeal Ref: APP/Q1445/A/12/2181473**

### **12 The Cliff, Brighton, BN2 5RE**

- 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 Michael Wilson against the decision of Brighton and Hove City Council.
  - The application Ref: BH2011/03930, dated 21 December 2011, was refused by notice dated 16 February 2012.
  - The development is described as "replacement of single (3 bedroom) dwelling and garage with single (5 bedroom) dwelling with garage".
- 

## **Decision**

1. The appeal is dismissed.

## **Main Issues**

2. The main issues are the effect of the proposal on:
  - i) the character and appearance of the area, and
  - ii) living conditions at neighbouring properties, in terms of daylight and outlook.

## **Reasons**

### *Character and Appearance*

3. The appeal site comprises a detached dwelling with a front gable and traditional pitched roof, and brick and tiled elevations. Located on the southern side of The Cliff, it has been extended in the past. The local area is characterised by individually designed properties of two and three storeys, of different eras and no single style predominates. Given this mix, there is scope for an individually designed dwelling.
  4. The proposal would be contemporary in style, incorporating various modern features including large feature aluminium windows on the front elevation. I consider that a modern approach is not objectionable in itself as there are other contemporary style dwellings in the vicinity. Furthermore, the National Planning Policy Framework ('The Framework') advises against imposing
-

architectural styles and stifling innovation or requiring conformity to certain development forms or styles.

5. That said, I have serious concerns about certain aspects of the scheme. The proposed roof would have a steep pitch with a substantial flat central 'crown' element. This arrangement would appear over-dominant and bulky. The dominant effect of the proposal would be exacerbated by the large dormer windows to the front and rear. To my mind, the dwelling's excessive size and bulk means it would appear shoe-horned on to the site. I agree with the Council that the configuration of the windows, particularly those to the front elevation, have little consistency or coherence, giving a disjointed and confused appearance. Taken together, these various objections are valid and sufficient on their own to cause the appeal to fail.
6. I find overall on the first issue that the appeal proposal would materially harm the character and appearance of the area. It would conflict with Policies QD1, QD2, QD3 and QD5 of the Brighton and Hove Local Plan (BHLP). Together these require proposals to be of a high quality design and make a positive contribution to the visual quality of the environment, whilst making efficient and effective use of the site.

#### *Living Conditions*

7. The substantial size and bulk of the proposed dwelling compared with the existing property, in close proximity to the side boundaries means that it would have an overbearing impact on both neighbouring dwellings at Nos 10 and 14. Both these properties have a number of windows in their side elevations facing the appeal site. I accept that some of these may be secondary but the closeness of the flank walls of the proposed dwelling would create an unacceptable loss of both daylight and outlook to the neighbouring side windows. Whilst No 14 is at a higher level as compared with the appeal site, this would not offset the harm in this respect.
8. The appellant states that because of the new dwelling's design and configuration, privacy will be improved to the neighbouring properties at Nos 10 and 14. Whilst this may be so, this does not alter my concerns above.
9. I conclude on the second issue that the proposal would harm the living conditions at neighbouring properties in terms of daylight and outlook. It would conflict with Policy QD27 of the BHLP. This requires developments not to cause loss of amenity to existing and adjacent residents.

#### **Other Matters**

10. In reaching my decision, I have had regard to the appellant's submissions in support of the proposal including that it would replace an existing 'unremarkable' and 'ordinary' structure, that the proposal would have sustainable credentials, be energy efficient, meet 'Lifetime Home' standards, be low maintenance, as well as optimising views to the sea. However, these factors do not alter my objections in relation to the main issues.
11. I have considered the proposal in the context of the presumption in favour of sustainable development within the Framework. However, the Framework is clear that it is proper to seek to secure high quality design and a good standard

of amenity for existing occupants of land and buildings. This proposal would fail to achieve those aims.

**Conclusion**

12. For these reasons, the appeal is dismissed.

*Matthew C J Nunn*

INSPECTOR

