



Appeal Decision

Site visit made on 5 August 2013

by David Harmston FRICS DipTP MRTPI

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

Decision date: 7 August 2013

Appeal Ref: APP/Q1445/D/13/2199833

91 Braeside Avenue, Brighton, East Sussex BN1 8RN

- 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 and Mrs K Rummery against the decision of Brighton & Hove City Council.
 - The application (Ref BH2013/00259) was refused by notice dated 25 March 2013.
 - The development proposed is described as the erection of a first floor side extension and a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are firstly; the effects of the development on the character and appearance of the area and, secondly; its impact on the living conditions of the occupants of the adjoining dwellings in terms of any undue loss of light, outlook or privacy and overbearing impact.

Reasons

3. The appeal property is a two-storey, semi-detached dwellinghouse lying within a residential estate on the northern outskirts of Brighton. It is proposed to extend the building by erecting a single-storey extension at the rear with a two-storey element on its western side infilling an area of land to the rear of the garage and to the side of the kitchen. An existing conservatory situated behind the dining room and kitchen would be demolished.
4. The single storey element of the development would extend outwards from the rear of the dwelling by 3.9 metres and would be set in from the boundary with the adjoining house to the east (No 93 Braeside Avenue) by about 0.2 metres. On the western side a gap of about 0.85 metres would be retained between the side of the single and two-storey extension and the boundary with No 89.
5. On the first main issue I saw that several of the properties in Braeside Avenue have been altered and enlarged in ways that are not entirely dissimilar from the development proposed in this appeal although their planning history is uncertain.¹ Nevertheless, in this instance, the Council considers that the extensions would dominate the rear elevation of the dwelling resulting in a

¹ For example, nos 83, 85 and 97 Braeside Avenue.

detrimental impact on the visual amenities of the host property. It is acknowledged, however, that the single storey extension would be inconspicuous in the streetscene.

6. As the Council points out, whilst the design and style of the dwellings present in Braeside Avenue vary, the small group of buildings formed by the adjoining pairs of semi-detached houses (Nos 91 – 97) are very similar or identical in their original design in terms of their style and built form.² As far as the two-storey component of the development is concerned, it would not appear as a subservient element to the existing house but rather as a bulky, awkward and incongruous enlargement of the dwelling resulting in an imbalance in the appearance of the adjoining houses. Whilst primarily visible only from the rear and side, oblique views of it would be possible from the other positions.
7. The Council's Supplementary Planning Guidance: *Roof Alterations and Extensions* (SPG) states that roof extensions must respect the character of the particular building and be well related to it. Developments that alter the basic shape of the roof on semi-detached houses will be unacceptable because they create a visually heavy roof to one half.
8. Policies QD1 and QD2 of the Brighton & Hove Local Plan are wide-ranging policies which, as a general point, seek to ensure a high quality of design in all new developments taking account of the scale and bulk of the existing buildings. Policy QD14 states that alterations and extensions to buildings will only be acceptable if they are well-designed, sited and detailed in relation to the existing property, those adjoining it and the surrounding area.
9. These policies are broadly consistent with the National Planning Policy Framework (the 'Framework'). This states that the Government attaches great importance to the design of the built environment and planning should always seek to ensure high quality design. Local distinctiveness should be promoted and reinforced.³ I consider that the harm that the development would create to the character and appearance of the area for the reasons I have given would be in conflict with both national and local policy in terms of the design and negative visual impact of the development to the extent that the proposals are unacceptable on this issue.
10. On the second main issue I have seen and taken into account the representations made by the occupants of both the adjoining dwellings. Whilst the occupant of No 89 Braeside Avenue states that he has no objection to the development, 'concerns' have been raised in relation to the loss of light caused by the development to the kitchen window at that property. Similar concerns have been expressed by the occupants of No 93 who, whilst raising no objections, refer to the effect of the development on their outlook and the amount of sunlight reaching their dining room.
11. The proposals would entail the erection of built development on the western elevation of the house by extending it by about 2.2 metres at first floor level

² The garage at No 97 Braeside Avenue appears to have been converted into habitable accommodation with a window replacing the original garage door.

³ National Planning Policy Framework – paragraphs 17, 56 and 60

and by about 6.3 metres at ground floor level with the recess resulting from the L-shaped form of the building being filled in. A gap of about 0.85 metres would be retained between the extended side of the house and the boundary with No 89 Braeside Avenue with a driveway of about 2.5 metres in width beyond.

12. The massing, scale and bulk of the development, with the entrance to No 89 being in its eastern elevation and its existing rear building line being roughly consistent with that at No 91, would produce a dominant and overbearing impact. A significant loss of light to the rear and side of the adjoining dwelling would be experienced and whilst overlooking and any loss of privacy could be avoided by the installation of obscured glazing in the west facing windows, I find that the harm that the development would cause in these respects would be so serious as to be unacceptable.
13. As far as the effects of the development on No 93 Braeside Avenue are concerned, that property has already been extended at ground floor level. However, the depth of the proposed extension to the appeal property of 3.9 metres, approximately 0.2 metres from the boundary, would enclose the original rear elevation of No 93 creating a tunnelling effect and reducing the amount of daylight reaching the ground floor rear windows to a significant degree. The development would infringe the guideline in the SPG of allowing for a 45° degree angle to pass the outer edge of the extension taken from a midpoint on the ground floor window.
14. Policy QD27 of the Local Plan states that developments will not be permitted which cause a material loss of amenity to adjacent occupiers whilst policy QD14(b) seeks to resist proposals for extensions to buildings which would result in a significant loss of outlook, daylight or sunlight to neighbouring properties. These policies are consistent with a Core Planning Principle of the Framework which states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. In summary, I consider that the negative impacts of the development on the living conditions of the occupants of Nos 89 and 93 Braeside Avenue to be so serious as to be unacceptable and the appeal fails on this issue.
15. I have considered everything else that has been forward in support of the appeal including the fact that the development has been re-designed in an attempt to meet the Council's objections, that the property could be extended under permitted development rights and that other extensions to dwellings have been implemented locally as illustrated on the various photographs. However, each case falls to be assessed on its individual planning merits and nothing that has been advanced in favour of the development is sufficient in weight to counterbalance my conclusions above and the reasons for them.

David Harmston

Inspector

