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## Appeal Decisions

Site visit made on 25 November 2013

**by Michael Boniface MSc MRTPI**

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

**Decision date: 12 December 2013**

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### **Appeal Ref: APP/Q1445/A/13/2202389**

#### **122 Valley Drive, Brighton, BN1 5FF**

- 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 & Mrs Peter Fitzpatrick against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/01109, dated 5 April 2013, was refused by notice dated 7 June 2013.
  - The development proposed is erection of two storey rear extension and loft conversion incorporating half-hip roof extension and front and side rooflights, new hard standing and associated alterations.
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### **Appeal Ref: APP/Q1445/A/13/2202392**

#### **124 Valley Drive, Brighton, BN1 5FF**

- 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 Chris Adderley against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/01111, dated 5 April 2013, was refused by notice dated 28 June 2013.
  - The development proposed is erection of two storey rear extension and loft conversion incorporating half-hip roof extension and front and side rooflights and associated alterations.
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### **Procedural Matters**

1. The appeals relate to a pair of semi-detached dwellings where parallel applications were made for similar and adjoining extensions which could not be built independently of one another. I have determined the appeals on that basis.
2. The applications involve an alternative development to previous proposals considered at appeal (APP/Q1445/A/12/2183713 and 2183714) earlier this year. I have had regard to the site history in reaching my decision.

### **Decision**

3. The appeals are dismissed.

### **Main Issues**

4. The main issues are the effect on the character and appearance of the appeal properties and the surrounding area; and the effect on the living conditions of

neighbouring occupants, with particular regards to outlook, overbearing impact and loss of daylight.

## **Reasons**

### *Effect on the character and appearance of the appeal properties and surroundings*

5. Valley Drive is a suburban residential street comprising a mix of detached and semi-detached two storey dwellings which tend to be set back behind front gardens with regular spacing between. Buildings follow the curved alignment of the road and are also stepped in level to account for the local topography which rises in a roughly north westerly direction. The rear gardens of the appeal properties also steeply slope upwards from the back of the houses.
6. The development involves a substantial ground floor extension that would infill the gap between the existing detached garages, stretching back into the garden as far as the rear elevation of the garages, albeit that this includes a projecting canopy. Although glimpsing views of the single storey additions may be possible between the houses from the public realm, their position, being cut into the rising ground levels, mean that they would not be prominent and would largely be concealed by the existing garage buildings, despite the extensions being slightly taller. The proposed sedum roof would also assist in assimilating the additions into the rear gardens.
7. The proposed two storey extensions have been reduced in depth since the previous appeal and now involve a more conventional pitched roof design. The curvature and topography of the road means that the proposed extensions would still be visible from some angles but the design now proposed would significantly reduce the size, height and mass of the additions that would be visible in the streetscene. The extensions are set in from the side elevations of the existing buildings, maintaining the same eaves height, while the pitched roofs would slope in from the boundaries, remaining largely out of sight.
8. The detailed design of the extensions and some of the materials proposed are in contrast to the appeal properties, presenting a much more contemporary appearance. The overall scale and massing of the additions are, however, sympathetic to the original buildings and would not dominate their original form. Given that the additions would no longer be prominent from the public realm, more scope exists for a contrasting style of development and the appearance of the extension would not detract from the buildings overall character and appearance, or that of the wider streetscene. This is particularly so, given the variety of house types and sizes in the vicinity of the site.
9. I conclude that the development would not harm the character and appearance of the appeal properties or the surrounding area. In this regard, I find no conflict with Policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan (LP) (2005) which together, seek to secure high quality design that contributes to the character of the area and is appropriate in the context of the existing building and its neighbours.

### *Effect on the living conditions of neighbouring occupants, with particular regards to outlook, overbearing impact and loss of daylight*

10. The proposed development would be located in close proximity to the neighbouring dwellings, separated only by the shared driveways between. A number of windows are contained within the side elevations of the

neighbouring properties, including large glazed areas serving the kitchen and dining room of No.120. Although the appeal properties are visible from these windows at present, the occupants enjoy a relatively open aspect across the driveways and above the boundary fence to the open space behind, allowing view of the sky. The proposed extensions would be constructed opposite these windows, significantly enclosing their outlook, resulting in a prominent and imposing structure. The scale of the extensions would be substantial in this context and the flank wall of the two storey extension, which would in fact be closer than in the previous appeal, would result in an overbearing impact. This would be compounded by the significant mass of the proposed roof, the higher ground levels within the site relative to the neighbour, and the additional mass of the single storey extensions beyond. I acknowledge that other windows in the rear elevation of the building serve this room but these are smaller and would not mitigate the adverse impacts on outlook I have identified.

11. The appellants' have made reference to guidance on outlook published by Haringey Council but this is not relevant to proposals in Brighton, nor does it persuade me that the proposed development would be any less harmful. I am also referred to an appeal decision (APP/Q1445/D/13/2193540) within the Brighton and Hove area where no harm was found with regards to outlook but I have not been given sufficient information to draw any direct comparisons with the appeals now before me. I have considered the appeal proposals on their own merits.
12. The proposed extensions would also be closer to No.126 but the window arrangement is somewhat different on this property, with the majority of the main living areas being served by windows set off the boundary with the driveway or facing the rear garden. The extension would be prominent on outlook, but given the separation and relationship between the two, would not be overbearing or imposing to occupants in a manner that would materially impact their living conditions.
13. The application is accompanied by a Daylight and Sunlight Report which seeks to assess impacts in these regards upon neighbouring properties with reference to the Building Research Establishment Guide on Sunlight and Daylight (2011). This document is the same as that considered as part of the previous appeals and involves an assessment based upon the previously proposed development, rather than the development now proposed and subject of these appeals. The previous Inspector found that the development would result in a lower vertical sky component and reduced amounts of light at both the kitchen and dining room windows of No.120 and the side kitchen window of No.126 creating an unneighbourly form of development, despite the existence of other windows. Whilst I acknowledge that the development now proposed is smaller in mass in some respects, the ridge of the roof would be higher than the previous proposal and the flank walls of the two storey extension are closer to the neighbouring windows. Therefore, I consider that the development would still be likely to result in significant loss of daylight and I am not persuaded by the appellants' argument that the building now proposed would have less impact.
14. I conclude that the development would harm the living conditions of neighbouring occupants through an overbearing impact on outlook and loss of light to No.120 and through a loss of light to No.126. It would be an unneighbourly form of development contrary to the aims and objectives of

Policies QD14 and QD27 of the LP, both of which seek to protect neighbouring living conditions.

*Other matters*

15. I note the appellants' view that the neighbouring occupants have been able to extend their properties and that they should be afforded the same opportunity. However, the extensions are not comparable to one another and I must consider the appeal on the basis of the current site circumstances, including impacts on the neighbours' property as a whole. I have also had regard to comments that previous alterations have not be subject to the appropriate consents but I am not aware of the full circumstances surrounding these claims and this is not a matter for consideration as part of these appeals.
16. It has been argued that a substantial extension could be completed under permitted development rights and that this represents a fallback position material to the appeal proposals. Whilst appreciating that a fallback position may exist and is a relevant consideration, there is insufficient information before me to convince me that a scheme as suggested by the appellants' would go ahead. I say that given that the fallback position put forward would not provide the level of accommodation being sought under this appeal. I have therefore given the matter limited weight.
17. I acknowledge the potential environmental gains and local economic benefits that the development would bring but these do not outweigh the harm that I have found with regards to the main issues.

*Conclusion*

18. Whilst I have found that the development would not harm the character and appearance of the appeal properties or the surrounding area, it would harm the neighbours living conditions in conflict with Policies QD14 and QD27 of the LP.
19. In light of the above, and having considered all other matters, the appeal is dismissed.

*Michael Boniface*

INSPECTOR