



Appeal Decision

Site visit made on 16 December 2013

by Louise Phillips MA (Cantab), MSc, MRTPI

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

Decision date: 19 December 2013

Appeal Ref: APP/Q1445/D/13/2208862

41 Westfield Avenue North, Saltdean, Brighton BN2 8HS

- 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 Dean Edwards against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/02304, dated 5 July 2013, was refused by notice dated 16 October 2013.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area; and on the living conditions of the neighbouring occupiers at number 39 Westfield Avenue North in terms of outlook and light.

Reasons

Character and Appearance

3. The stretch of Westfield Avenue North in which the appeal property is located is composed of small bungalows of a similar style. The bungalows are set below the level of the road and many of the front elevations are obscured from view behind boundary planting. Thus the roofs of the bungalows are the prominent features in the street scene. They have an asymmetrical appearance, being fully hipped to the sides with a projecting hip or gable to the front. The regular design of the roofscape and the gaps between the roofs contribute to the uniform and spacious character of the road.
4. An application for a side and rear extension to the appeal property was refused by the Council and dismissed on appeal in 2012. The Council's report on the present proposal makes reference to the previous Inspector's decision and while I have considered the current appeal on its merits, I have given the decision significant weight insofar as it is relevant.
5. The development now proposed would extend the appeal property to the north-west side beyond the projecting gable so that the roof of the enlarged property would be almost symmetrical. This would be out of keeping with, and disrupt, the asymmetrical appearance of the existing roofscape to the detriment of its

uniform character. I recognise that a number of other properties in the vicinity already have side extensions, and while not all are sympathetically designed, the majority preserve the characteristic roof form of the main dwelling whereas the proposed development would not.

6. The appeal property benefits from a wider plot than some of the other dwellings in the vicinity and so the remaining space between the roof of the proposed extension and the roof of number 39 to the north-west would not be particularly narrow. However, the roof would be substantially larger than that of the neighbouring bungalow and it would appear bulky by comparison. This would give rise to an uncharacteristically cramped relationship which would detract from the spacious character of the street scene. Whilst I recognise that it is proposed to use reclaimed tiles to ensure that the new section of roof matches the existing section, I do not consider that this would overcome the harm I have identified.
7. I therefore conclude that the proposed development would be harmful to the character and appearance of the area and that it would be contrary to Policy QD14 of the Brighton and Hove Local Plan 2005 which, amongst other things, requires extensions to be well designed and sited in relation to the property to be extended, to adjoining properties and to the surrounding area.

Living Conditions

8. The appeal property backs onto the rear garden of a property in Coombe Vale. Because the appeal property is sited at a significantly higher level, it is possible to look into the garden and onto the rear facing windows of this property from the back of the existing bungalow and its raised decking area. Given that the proposed extension would be no closer to the property in Coombe Vale than the existing rear elevation of the appeal property, the Council has stated that it would not have a significant impact on the living conditions of these occupiers. I also consider that the extension would not give rise to a significant increase in overlooking or be harmful in terms of outlook.
9. However, concerns have been raised about the effect of the proposed extension on the occupiers of number 39 Westfield Avenue North. This property has a narrow lean-to conservatory on the boundary with the appeal site which is stated by the occupiers to be a significant source of light for the rear bedroom, kitchen and bathroom. Each of these rooms also has a window in the rear elevation facing onto the garden. The proposed extension would be in close proximity to the conservatory and because the appeal property is sited on slightly higher ground than number 39, it would give rise to an increased sense of enclosure and some loss of daylight within it.
10. However, having visited the property, I observed that the conservatory itself is used for storage rather than as living accommodation and that the door into the adjacent kitchen provides the only means for light to pass from it into the rest of the house. The door is glazed at the top, but when it is closed, the amount of light entering the kitchen from the conservatory would be diminished and the rear facing windows would provide the main source of light for the bedroom and bathroom, which are further away.
11. For these reasons, I do not consider that the effect of the proposed extension on the outlook from the conservatory, or on the amount of light entering the rear of the bungalow, would be so significant as to warrant the dismissal of the

appeal. Furthermore, because the extension would be set back from the rear elevation of number 39, I do not consider that it would appear overbearing when viewed from the rear garden. Whilst the neighbours have also raised concerns about overlooking that could potentially occur if additional windows were added at a later date, such a problem could be managed, if necessary, by the imposition of a suitable planning condition.

12. The proposed development would not, therefore, cause significant harm to the living conditions of the occupiers and the aim of Policies QD14 and QD27 of the Brighton and Hove Local Plan 2005 to protect the amenities of neighbouring occupiers would be respected. However, this does not outweigh my conclusions in relation to the effect of the proposal on the character and appearance of the area.

Other Matters

13. In reaching my decision, I have taken account of the fact that the proposed development would benefit the appellant in terms of enhancing the accommodation available for his family. I also recognise that it may be possible to construct a smaller extension in a similar location without the need to obtain planning permission. However, these other matters do not outweigh my findings in relation to the first main issue of the appeal.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Louise Phillips

INSPECTOR