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# Appeal Decision

Site visit made on 7 May 2014

**by Cullum J A Parker BA(Hons) MA MRTPI AIEMA**

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

**Decision date: 12 May 2014**

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**Appeal Ref: APP/Q1445/D/14/2215964**  
**70 Greenways, Ovingdean, Brighton, BN2 7BL**

- 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 Paul Nicholson against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/04267, dated 16 December 2013, was refused by notice dated 12 February 2014.
  - The development proposed is remodelling of bungalow to form house.
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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 street scene and on the living conditions of neighbours in terms of privacy.

## Reasons

### *Character and appearance*

3. The appeal building is a detached bungalow located in a residential area. The street scene is characterised by a mixture of two and single storey dwellings, with those adjacent to the appeal site both two storey in height. Whilst the plots within the locality are a variety of sizes and widths, there are clear visual gaps between the dwellings. The proposal, by reason of its width and height, would reduce these visual gaps, which are a key feature of the street scene.
4. Moreover, the proposed development would result in a substantial increase in the overall footprint of the existing dwelling at both two and single storey heights. In particular, I note that the depth at two storey height would be similar to those at both Nos 68A and 72 Greenways and that the Council raises no issues with this element of the scheme. However, in both cases the overall footprint of those dwellings is considerably smaller than that proposed in this case which, according the Officer's report, would see the depth increasing from about 9 metres to about 19.5 metres.
5. The overall depth, when considered together with the bulk proposed due to the two storey form, would result in a dwelling very different to that originally on site. The combination of both the depth and bulk that would also be at odds with the directly adjacent dwellings, and result in a building that would fail to

respect the character and appearance of the street scene. I therefore find that the proposed development, due to its design, scale, and overall depth, would fail to respect the prevailing pattern of development and spacing within the locality. As such, it would harm the character and appearance of the street scene.

6. Accordingly, the proposed development is contrary to Policies QD2 and QD14 of the Brighton and Hove Local Plan 2005 (BHLP) which amongst other aims seeks to ensure that planning permission will only be granted if the proposed development is well designed, sited and detailed in relation to adjoining properties and the surrounding area and takes account of local characteristics including scale and bulk.
7. I also acknowledge that the Council's adopted Supplementary Planning Document 12 – Design guide for extension and alterations 2013 (SPD) has also been cited, in particular the part that indicates the rear extensions should normally be no deeper than half the depth of the main body of the original building. Whilst not adopted policy, I consider that this guidance provides a good indication of the parameters the Council considers acceptable for rear extensions and in this case weighs against the proposed scheme.

#### *Living conditions*

8. My site visit confirmed that there are obscured glazed windows at both ground and first floor levels in the flank wall of No 68A Greenways. The submitted drawings show that the windows in both proposed flank walls would be obscured glazed and non-opening below 1.7 m from the internal floor level. These windows would serve ensuite, WC and a 'Games Room'. I have had regard to Paragraph 206 of the Framework relating to the use of conditions and the Planning Practice Guidance issued on 6 March 2014. In this case, I consider that a condition securing obscure glazing and fixed windows for the proposed scheme would be reasonable and could be imposed.
9. I acknowledge the close proximity of the windows between the properties. In this case, although there may be a perception of privacy being lost, given that the windows proposed at No 70 and existing at No 68A would be or are obscured glazed, any such loss of privacy would be limited. I do not, therefore, find that the perceived level of overlooking would result in a material loss of privacy for neighbouring occupiers.
10. Accordingly, the proposed development would not result in material harm to the living conditions of neighbours. I therefore conclude that the proposed development, in terms of living conditions, would not conflict with Policy QD27 of the BHLP which refers to ensuring new developments do not result in significant loss of privacy to neighbouring properties.

#### *Other matters*

11. I note the comments from neighbours relating to parking, the potential use of the building were permission granted, noise and overshadowing. I have regard to the concerns raised. However, they have not been decisive in leading to my overall conclusion.
12. Policies QD1 and QD3 of the BHLP, relating to quality of development and efficient use of sites, have been quoted by the appellant in support of the proposal. However, it is unclear as to how these specifically relate to the main

issues raised or provide justification for overcoming the harm identified. In any case, they do not alter my findings on the main issues or overall conclusion.

**Conclusion**

13. I have found in favour of the appellant with regards to the living conditions issue. However, the lack of harm I have identified in this respect is insufficient to overcome the material harm to the character and appearance of the street scene identified.
14. For the reasons given above, I therefore conclude that the appeal should be dismissed.

*Cullum J A Parker*

INSPECTOR