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## Appeal Decision

Site visit made on 8 April 2016

**by Timothy C King BA (Hons) MRTPI**

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

Decision date: 18 April 2016

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### **Appeal Ref: APP/Q1445/D/16/3143312**

### **2 Thornhill Avenue, Brighton, BN1 8RG**

- 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 Kevin Colburn against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03135, dated 25 August 2015 was refused by notice dated 17 December 2015.
  - The development proposed is '*Removal of existing roof and construction of new first floor with flat roof to detached bungalow and general alterations.*'
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### **Decision**

1. The appeal is allowed and planning permission is granted for a first floor extension and new flat roof to the bungalow with associated alterations at 2 Thornhill Avenue, Brighton, BN1 8RG in accordance with the terms of the application Ref BH2015/03135, dated 25 August 2015, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL 1503-01, PL 1503-02, PL 1503-03, PL 1503-04, PL 1503-05, PL 1503-06 and PL 1503-07.
  - 3) The extended dwelling shall, in whole, be suitably finished in either a white or off-white render.

### **Preliminary Matters**

2. Since the appeal was lodged the Council, on 24<sup>th</sup> March 2016, adopted its City Plan Part 1 document (CP). Nonetheless, Policy QD14 of the Brighton & Hove Local Plan 2005 (LP), as cited in the Council's Reason for Refusal is retained, and in reaching my decision I have had regard to the overarching CP Policy SS1 which promotes sustainable development. In the circumstances, and as the Council's objection related to only to the design and appearance of the resultant extended dwelling and its relationship with the streetscene, I am satisfied that the adoption of the CP document does not materially affect this appeal.
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3. I have slightly altered the proposal's description to more closely focus on the development involved.

### **Main Issue**

4. I note that neighbouring occupiers have raised objections in their consideration that the proposal would affect their living conditions. The Council did not advance this issue as a Reason for Refusal and, from my findings when undertaking the site visit, I agree with the Council's approach. As such, the main issue in this appeal is the effect of the proposal on the character and appearance of both the host dwelling and the surrounding area.

### **Reasons**

5. The appeal dwelling is a small detached bungalow set in a residential street characterised in the main by bungalows of a semi-detached nature, many of which have been altered over time with some also showing physical additions in the form of roof projections or dormer extensions visible from the street. The street level rises steadily proceeding northwards and the heights of the bungalows graduate, accordingly.
6. LP Policy QD14 holds a requirement that, for extensions or alterations to existing buildings, planning permission will only be granted if, amongst other things, the extension is well designed, sited and detailed in relation to the host dwelling, adjoining properties and the surrounding area. The external materials used should also be sympathetic to the dwelling itself. The Council has also adopted a Supplementary Planning Document 'Design Guide for Extensions and Alterations' (SPD) which reinforces the policy's aim and, where front extensions are proposed, requires that they do not detract from the appearance of the property, the street's general character and the prevailing building line.
7. In this instance the appeal dwelling, although detached unlike the immediate neighbouring properties, is one of the smallest bungalows in the street and, from its outward appearance, is in need of some significant renovation. The appeal proposal would change the building's character to that of a two-storey dwelling, albeit with the upper storey recessed on all sides, especially on the dwelling's north flank and to the rear. The front building line would not alter and, although the existing roof is hipped with a central ridge, the proposal to change to a contemporary flat-roofed design, whilst spreading the massing, would involve a height increase of approximately only 1m. Given the respective separation distances from No 4, which sits on a higher ground level and 'Normanhurst', set at a lower level, I am satisfied that, along with the recessed upper storey's recesses, the appeal site and the dwelling itself could satisfactorily accommodate the roof's heightening.
8. The redesigned dwelling's integration within the streetscene is of particular concern to the Council and whilst respecting local character is important, I consider that with the various bungalows in the street having undergone alterations to their original appearance which are readily visible to the general public the introduction of a modernist type design, whilst prominent in appearance, would not constitute visual harm or detriment. Paragraphs 60 and 63 of the National Planning Policy Framework (the Framework) comment that planning decisions should not stifle innovation or initiative in order to conform to certain development form or styles and great weight should be given to

outstanding design in this regard. I consider that the proposed development is a case in point and I disagree with the Council as to the design being top-heavy; the upper-storey being instead integral to the holistic contemporary approach. CP Policy SS1's objective of achieving sustainable development, due to the intended incorporation of energy efficient measures, would also be met.

9. I consider this proposal to be a most individual case with particular factors and circumstances which, on balance, weigh in favour of the development, and would not compromise the aims and requirements of adopted design related policies nor the Council's SPD. Neither do I find that the proposal would significantly affect the living conditions of the occupants of either of the immediate neighbouring properties. The extension's separation distance to No 4 is adequate and undue overshadowing or overlooking would not result. The submitted plan PL 1503-05 indicates that the flat roof would be accessed for maintenance only and with the side facing north and the rear to the east any use to the contrary would be unlikely to occur. Moreover, removal of the intended Juliet Balcony to the rear for such purposes would be a material alteration, controllable by a planning condition requiring that the proposal be implemented in accordance with the approved plans. I am also satisfied that the publicity for the original planning application was sufficient in the circumstances, with both immediate neighbours making representations in writing.
10. In conclusion I find that the proposal would neither be harmful to the character and appearance of the host dwelling nor the surrounding area. It would also not materially conflict with the aims of LP Policy QD14, CP Policy SS1 or the Council's SPD and would satisfy relevant advice within the Framework.
11. For the above reasons, and having had regard to all matters raised, the appeal succeeds. In terms of conditions, by the nature of the proposal I impose a condition which requires for the extended dwelling to be rendered in its entirety and, for the avoidance of doubt and in the interest of good planning a condition is attached which requires full observance and implementation of the approved plans.

*Timothy C King*

INSPECTOR

