
Appeal Decision

Site visit made on 10 May 2016

by **D Cramond** BSc MRTPI

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

Decision date: 03 June 2016

Appeal Ref: APP/Q1445/D/16/3144164

41 Bishops Road, Hove, BN3 6PN

- 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 Dr Duncan Wells against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/02983, dated 13 August 2015, was refused by notice dated 15 December 2015.
 - The development proposed is the creation of additional floor to create two storey dwelling, alteration to front boundary wall, creation of hardstanding and other associated alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I use the Council's description of development which is more precise than the application form; I note that this description is also used on the appeal form.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbours.

Reasons

4. The house is a mid twentieth century bungalow that has been altered to provide a rear conservatory extension and a small side extension behind the garage. It sits between two storey dwellings. The surrounding street is a varied mix of bungalows and two storey houses from the post war period. The appeal property and its surrounding neighbours are on higher ground than the street. The locality is one of established residential character and the range of properties and gardens come together to create an area of pleasing suburban appearance. The proposal is as described above and would create a 5/6 bedroomed property with one of these and an en suite within the roof space.

Living conditions

5. The prospect of simply 'adding a floor' to the bungalow would at first sight seem a fair proposition given the streetscene and wider surrounds. However to my mind there would be two difficulties with this approach as proposed.
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Firstly, the floor and eaves levels of the existing bungalow are markedly above the floor level and ground floor height of No 39 to the south and secondly, the appeal property is set appreciably further back than this neighbouring unit. Given this, and the siting close to the shared side boundary, the length, height and proximity of the flank wall would be seriously intrusive upon the outlook from part of the ground floor of No 39 and unsettlingly dominant from a considerable portion of its rear garden area and its patio section. I say this even allowing for partial boundary screening, the roof hipping away and some staggering of the side elevation as proposed. The massing of the building proposed would simply be too big an imposition on residents at No 39.

6. Given all the circumstances I conclude that the proposed works would unacceptably conflict with the aim of protecting living conditions which is embodied within Saved Policy QD27 of the Brighton & Hove Local Plan.

Other matters

7. I understand the Appellant's wish to increase and improve the accommodation of this property and I would agree that there is no reason in principle as to why a suitably designed, scaled and sited two storey home, as opposed to a bungalow, could not be accommodated on the site. I have set out why this particular scheme would not be appropriate. I appreciate that pre-application consideration was given to the scheme and changes were made during the determination period. I recognise that the modern idiom could be seen to have merit and that energy efficiency, water permeability, accessibility/flexibility of use, and other sustainable attributes would be positive factors. Had I been minded to allow the scheme I agree that there would have been scope to apply planning conditions to the restrict window forms such that overlooking would not be an issue. I also agree that daylight and sunlight are not determining factors in this instance. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
8. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policy which I cite mirrors relevant objectives within that document.

Overall conclusion

9. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the living conditions of neighbours. Accordingly the appeal is dismissed.

D Cramond

INSPECTOR