

Appeal Decision

Site visit made on 26 September 2016

by C. Jack, BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 4th October, 2016

Appeal Ref: APP/Q1445/W/16/3152446
116 Downs Valley Road, Brighton BN2 6RF

- 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 Jinod Bungaroo against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/00746, dated 20 February 2016, was refused by notice dated 27 May 2016.
 - The development proposed is to convert the existing garage into a dependence annexe. The extension will comprise of ground floor + 1.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on i) the living conditions of neighbouring occupiers, with particular regard to noise, disturbance, privacy and light ii) the character and appearance of the area, and iii) the living conditions of future occupiers.

Reasons

3. Downs Valley Road is a residential street comprising mainly detached and semi-detached houses and bungalows of various styles. The appeal property, No 116, lies on the corner of Downs Valley Road and Crescent Drive South. Some properties in the vicinity have extensions visible from the road, including No 116, which has front and rear flat roof dormers and a single-storey flat roof garage to the side. Adjacent to the garage is a small side garden, which together with the garage forms the site of the proposed development.
4. Notwithstanding the description of the proposed development given on the application form, the plans show a two-storey side extension that would replace the existing garage. The extension would provide a new residential unit with its own front door, a living room, kitchen/dining room, two bedrooms and two bathrooms. The new unit is described as an annexe but it would not have any direct interconnectivity with No 116 and includes all the attributes that would allow it to function as a separate unit of accommodation, albeit it would share the existing access from the road.

Living conditions of neighbouring occupiers

5. 69 Crescent Drive South (No 69) is a modest bungalow situated close to the common boundary with No 116. It is set at a lower level than, and appears
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- subservient to, the larger No 116. No 69 has a single storey kitchen extension to the rear with a patio area adjacent to it, in proximity to the position of the proposed new residential unit. The kitchen has a window facing the common boundary.
6. The relative position of the proposed first floor bedroom window in the rear of the new unit would allow overlooking of the kitchen and adjacent patio area at No 69 from close proximity. This would significantly exacerbate the existing situation of overlooking arising from the rear first floor windows of No 116 due to the proximity of the proposed new unit. I note the appellant's suggestion that this bedroom window could be obscure glazed to overcome any privacy concerns in relation to No 69. However, this would not be a satisfactory outcome for future occupiers of the development as it would result in there being no outlook from that bedroom.
 7. Furthermore, the close siting, relative orientation and scale of the new unit would result in a significant reduction of both sunlight and daylight experienced at No 69, particularly in relation to the kitchen window and the patio garden area. The proposed small garden area to the rear of the new unit would also lead to a significantly intensified use of this part of the existing garden of No 116, resulting in uncharacteristic levels of noise and disturbance in very close proximity to the rear of No 69. As a result of all these factors, the living conditions experienced at No 69 would be significantly harmed by the proposed development. This would be the case regardless of whether the proposed unit was occupied as ancillary annexe accommodation to No 116 or as a separate dwelling.
 8. The other neighbouring property, 114 Downs Valley Road (No 114), is a substantial detached house, set at a higher level than No 116 and positioned well away from the common boundary and so adequately separated from the proposed new unit in terms of likely effects in relation to privacy, noise, disturbance and light. Furthermore, no first floor windows are proposed in the side elevation of the new unit that would face No 114. As a result, the proposed development would have no significant impact on the living conditions experienced at No 114.
 9. I therefore conclude that the proposed development would be detrimental to the living conditions of the neighbouring occupiers, with particular regard to noise, disturbance, privacy and light. Accordingly, it would conflict with retained Policy QD27 of the Brighton and Hove Local Plan 2005 (BHLP), which among other things seeks to ensure that proposed development does not cause material nuisance and loss of amenity to adjacent residents or occupiers.

Character and appearance

10. The proposed extension would be angular and boxy in appearance, in large part due to its flat roof. The roof would also have a very awkward relationship with the existing pitched roof of the host building. The scale of the extension would be substantial in relation to the original building, being significantly greater than half of the width of the original front elevation. It would also be set forward of the front elevation, making it particularly visible and intrusive in the street scene and highly dominant in relation to the existing house. As a result it would be an unsympathetic and incongruous addition to No 116, which would be detrimental to the character and appearance of the host property and the wider street scene. This would be the case regardless of whether the

proposed unit was occupied as ancillary annexe accommodation to No 116 or as a separate dwelling.

11. For these reasons the scale, form, detailing and design of the proposed development would result in a disproportionate and unbalanced over-extension of No 116, which would not assimilate well with the host building or the street scene. It would therefore conflict with the Council's adopted Supplementary Planning Document 12 'Design guide for extensions and alterations' 2013 (SPD). The SPD also generally expects two-storey side extensions to be subordinate to the host building, to be set back from the front elevation and main ridge of the host building, and for the roof form and pitch to reflect that of the host building. The proposed development would achieve none of these.
12. The SPD is also unequivocal that a flat roof will not normally be acceptable for two storey extensions, unless the host building has a flat roof. While No 116 has flat roofed dormers, the main roof is pitched and reads as such in the street scene. I note that the existing garage has a flat roof, as does the side garage extension at No 114. However, these are single storey extensions, subservient to the host buildings and designed in relation to their functional purpose. I also note the three-storey building known as Crescent Lodge situated on the corner of Crescent Drive South and Shipley Road, which has a mansard roof and is highly visible in the street scene and from No 116. This building, which appears to host a number of flats, would apparently pre-date current development plan policies by some years. Accordingly, the existence of these flat roofs, and other similar examples in the area, does not add any significant weight in favour of the appeal proposal.
13. I therefore conclude that the proposed development would be detrimental to the character and appearance of the area. Accordingly, it would conflict with retained Policy QD14 of the BHLP, which among other things seeks to ensure that development is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. It would also conflict with the relevant guidance for two-storey extensions in the adopted SPD.

Living conditions of future occupiers

14. In the absence of any clear characteristics of an annexe or ancillary unit of accommodation, the Council is concerned that the development would provide an unsatisfactory standard of residential accommodation as a separate dwelling. Specifically, it considers that the internal living space would be cramped and that the restricted size of the plot would provide limited outdoor amenity space and thereby the proposal would fail to meet the likely needs of the future occupiers of a two bedroom dwelling.
15. The garden area proposed would broadly consist of a rear timber deck of approximately 2m in depth and a narrow strip of garden between the side elevation of the extension and the boundary with No 114. The side strip of garden would have limited use due to its narrowness and north orientation. Regardless of whether the intended use of the unit is ancillary to No 116 or as a separate dwelling, the overall outdoor amenity provision would be very restricted in relation to a two bedroom house in this location and would be out of character with the relatively generous gardens of nearby properties. Notwithstanding that Policy HO5 of the BHLP does not specify minimum useable

garden areas, the private outdoor amenity space would not be sufficient to meet the likely requirements of future occupiers of a dwelling of this size and type, to the detriment of their living conditions.

16. It has also been put to me that the proposed unit would not meet the government's Nationally Described Space Standards. However, the Written Ministerial Statement of 25 March 2015 makes it clear that such standards can only be applied where there is a relevant current local plan policy. In this case, no relevant current policy is before me and consequently this is not a matter which carries any significant weight against the proposal.
17. I therefore conclude that the proposed development would be detrimental to the living conditions of future occupiers. Accordingly, it would conflict with Policy QD27 of the BHLP, which among other things seeks to ensure that development would not result in loss of amenity to the proposed occupiers, and Policy HO5, which seeks to ensure the provision of private useable amenity space in new residential development where appropriate to its scale and character.

Other Matters

18. I note the appellant's suggestion that alterations could be made to the proposal to include a pitched roof. However, no such details have been provided for consideration and I must determine the appeal on the merits of the plans and other evidence before me. The appellant also says that planning permission has been granted for a similar development at No 114, however no significant details of this are before me upon which to consider its relevance to the appeal case. I am therefore unable to give any significant weight to these matters.
19. I have considered the benefits of the proposed development, including that it would provide an additional modest house to help meet local requirements. However, such benefits would be very limited in relation to one dwelling and so do not outweigh the harms that I have identified above.

Conclusion

20. For the reasons above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR