
Appeal Decision

Site visit made on 6 October 2016

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 28 October 2016

Appeal Ref: APP/Q1445/D/16/3156102

50 Hill Drive, Hove BN3 6QL

- 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 J Dawson against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/00702, dated 25 February 2016, was refused by notice dated 7 July 2016.
 - The development proposed is demolition of existing garages and new 2 storey extension to north west elevation. New windows throughout. Extension and new gable roof to east corner. Amendment to existing dormers on rear elevation. New porch to front elevation. Solar panels.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garages and new 2 storey extension to north west elevation, new windows throughout, extension and new gable roof to east corner, amendment to existing dormers on rear elevation, new porch to front elevation and solar panels at 50 Hill Drive, Hove BN3 6QL in accordance with the terms of the application, Ref BH2016/00702, dated 25 February 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing numbers 001A, 005B, 100A and 200A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The first reason given for refusing the application refers to the effect of the proposed extension on trees to the side of the site. Since determination of the planning application, these trees have been removed, such that I do not need to consider the effect of the proposed extensions on trees further.
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Main Issues

3. The main issues are:

- the effect of the proposed side extension and rear dormer windows on the character and appearance of the existing building and surrounding area; and
- the effect of the proposed rear dormer windows on the living conditions of neighbouring occupiers of properties to the rear with particular regard to privacy.

Reasons

Character and appearance

4. 50 Hill Drive is located on the junction of Hill Drive and Hill Brow, Hill Drive dropping steeply down the hill away from the junction. Hill Brow to the side of the property is essentially flat adjacent to the site, but rises up the hill toward Dyke Road Avenue. The surrounding area comprises a mix of dwellings, primarily large detached houses and bungalows of a variety of designs and materials. Directly opposite the property is a new development of three detached houses of a contemporary design and a number of other houses within the area have been significantly extended or replaced in a contemporary style. The existing property at 50 Hill Drive is a substantial detached house with single storey garage and play room to the side, set within a spacious plot that separates the existing house from surrounding dwellings.
5. The proposed side extension would replace the single storey garage and play room with an extension of similar width, and would be set significantly below the level of Hill Brow given the slope of the land. Whilst the proposed extension would be close to the boundary with Hill Brow, and closer than properties that front the road, the separation of the property from surrounding development by the large garden at 50 Hill Drive combined with the lower level of the development would ensure the proposed extension would not be prominent in views from the road.
6. The proposed side extension would be set some distance behind the existing forward projection of the building, such that, although the roof would continue from the existing and the extension would be more than half the width of the original house, it would appear subservient to the remainder of the front elevation, including proposed double gable ends.
7. The existing rear dormer windows are tile hung with hipped tiled roofs up to the ridge of the building, the windows of small proportions compared to the overall size of the dormers. This results in the dormers taking up a substantial part of the roof, appearing heavy and dominating the roof.
8. The proposed rear dormers would replace the pitched roofs of the existing dormers with a flat roof and the tile hanging would be replaced with materials that better reflect the walls of the house below. Although the proposed windows would be of similar width to the existing, they would be taller with Juliet balconies such that they would better reflect the proportions of the dormers. Despite infilling between the dormer windows, this would result in

the new dormer appearing lighter and would be less dominant than the existing pair. The dormer in the proposed extension would match the design of the revised dormer and would assist in balancing the rear elevation of the resulting building.

9. For these reasons, I conclude that the proposed side extension and rear dormer windows would not harm the character and appearance of the existing building and surrounding area. As such, the proposed development would comply with Policy QD14 of the Brighton & Hove Local Plan (LP) that seeks to ensure that extensions and alterations to dwellings are well designed, taking account of the space around buildings and character of the surrounding area. My attention has also been drawn to Policy QD16 of the LP that refers to trees and hedgerows, but as the trees referred to in the reason for refusal have been removed, the proposal would not be in conflict with this policy.

Living conditions

10. The proposed dormer windows are at a high level on the house, with neighbouring properties at a significantly lower level to the rear, such that views from the windows would be directed over those neighbouring properties. The boundary planting around the rear parts of the site is substantial and, while the proposed dormer windows would be significantly above them, the planting would block views from these windows into the rear gardens and windows of those neighbouring dwellings. In addition, I note that two of the three windows replace existing windows, albeit larger, and there are a number of existing first floor windows and a first floor balcony that have similar views to the rear of the property.
11. For these reasons, I conclude that the proposed rear dormer windows would not materially overlook neighbouring properties, such that they would not lead to a loss of privacy to occupiers of those neighbouring dwellings. Consequently, the development would not be contrary to Policy QD27 of the LP that seeks to protect the living conditions of neighbouring occupiers.

Other matters

12. Solar panels are proposed on the hipped roof to the side of the property, along with the flat roofs above the dormer windows and above the proposed gym. Limited information has been supplied regarding these panels, in particular the mounting angles on the flat roofs. However, the area above the gym would be directly in front of a first floor bedroom window that would limit the available angle in that location. The proposed panels would replace existing solar panels that have been mounted on the side roof and wall of the property, in such a manner that they do not relate well to the appearance of the existing property. Consequently, I conclude that the proposed solar panels would not harm the character and appearance of the property.

Conditions

13. I have imposed a condition specifying the relevant drawings as this provides certainty and a condition is necessary for materials to match those used on the existing house to maintain the character and appearance of the area. As the trees to the side of the property have been removed, I have not imposed a condition relating to their protection as suggested by the Council.

Conclusion

14. On the basis of the above considerations, I conclude that the appeal should succeed.

AJ Steen

INSPECTOR