

Appeal Decision

Site visit made on 7 November, 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: 17th November, 2016

Appeal Ref: APP/Q1445/D/16/3159622

63 Elizabeth Avenue, Hove, BN3 6WA

- 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. Marcus Dias against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/02146, dated 9 June, 2016, was refused by notice dated 4 August, 2016.
 - The development proposed is described as rear and side extensions with roof remodelling to create 'granny annex' and enlargement of main 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 i) the character and appearance of the area and ii) the living conditions of neighbouring occupiers at 61 and 65 Elizabeth Avenue.

Reasons

3. Elizabeth Avenue is a sloping residential street of mixed character, predominantly comprising detached and semi-detached houses and bungalows. There are a variety of styles of properties and a number of existing extensions evident along the road. No 63 is a detached bungalow, situated in a roughly triangular plot with similar bungalows either side.
4. The proposal is a two-storey side extension to form an annex, an infill extension in front of the existing garage to provide a bathroom at ground floor level, and a two-storey extension to the rear to provide a study/dining room with a master bedroom and en-suite bathroom above, facilitated by raising the overall height of the roof of the host building.

Character and appearance

5. The proposed development would significantly increase the width of the façade of the dwelling. Together with the infill extensions, the annex extension would present a wide, rather unrelenting front elevation to the street. This, combined with the two-storey nature of the proposals, would appear excessively bulky in relation to the existing bungalow and therefore visually dominant and incongruous in relation to the neighbouring bungalows at No 61 and No 65.
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6. I accept that many properties in the street have flank elevations in closer proximity to the side boundary than the existing north elevation of No 63 is to the common boundary with No 65. However, I am not persuaded that this justifies the width of the extensions proposed and the overall bulk of the resultant dwelling. While the plot at No 63 is wider at the front than most plots in the street, as it responds to the bend in the road, to develop across almost this full width in the manner proposed would result in a building of uncharacteristic bulk and width, which would be unduly obtrusive in the street scene.
7. I note that the palette of materials proposed, including brick, render, timber and clay tiles, would not be out of character with existing materials in Elizabeth Avenue. I also note that the ridge height of the side extension would be lower than the, increased, ridge height of the host building and that the pitches of the roofs would generally reflect the existing. In these respects, among others, I see that attempts have been made to follow the guidance set out in the Council's adopted Supplementary Planning Document 'Design guide for extensions and alterations' 2013 (SPD12).
8. Notwithstanding this, the side and infill extensions would not be set back from the front elevation, as advocated in SPD12. This is a particularly important factor in this case where the dominant, uncharacteristic width of the proposals would result in a building significantly out of character with that to be extended and the neighbouring bungalows. Accordingly, while I have given the aforementioned positive factors some weight in favour of the appeal, this does not outweigh my concerns in respect of the character and appearance of the area, which arises from the excessive scale and bulk of the proposed development.
9. 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 Brighton and Hove Local Plan 2005 (BHLP), which seeks to ensure that extensions or alterations to existing buildings are well designed, sited and detailed in relation to the property to be extended, adjoining properties and the surrounding area, taking account of the space around buildings and the character of the area. However, I find no specific conflict in this regard with retained Policy QD27 of the BHLP, which specifically relates to the protection of amenity.

Living Conditions

10. No 65 has a first floor window in a side dormer, facing No 63. It also has a ground floor window in that side elevation. Notwithstanding that No 65 is set on rising ground from the appeal site, the proximity and height of the side annex extension, set roughly to the south of No 65, would result in some overshadowing of the neighbouring property. I note that the Council's concerns in this regard relate particularly to the ground floor windows of the neighbouring properties.
11. I also note that there are existing conifers on the boundary which overshadow the dormer window to a degree and somewhat restrict the outlook therefrom. Natural daylight and outlook in relation to the ground floor window are already significantly restricted by the conifers and the existing boundary fence. Accordingly, I consider that there would be no significant worsening in these respects resulting from the proposed development. Indeed, the removal of the

conifers may marginally improve the existing situation, including in relation to the dormer, albeit this benefit would be tempered by the presence of the side extension within a short distance of the boundary.

12. There is a kitchen window and an obscure glazed window in the side elevation of No 61. These face towards the existing side elevation of No 63 in close proximity, and accordingly the outlook is already limited. While the roof height would be increased, it would still pitch away from No 61, and the position of the side elevation in relation to No 61 would not change. Accordingly, the proposed development would have no significant effect on the outlook from No 61. Furthermore, the appeal site lies essentially to the north of No 61 and I consider that no appreciable increase in overshadowing would arise.
13. I accept that some overlooking of the neighbouring back gardens would be possible from the window of the proposed first floor master bedroom. However, due to their relative positions, the outlook from this window would be along the gardens and not directly to the areas closest to the rear elevations, where a greater degree of privacy might reasonably be expected. Accordingly, I consider that this relationship would not be uncharacteristic of this established residential area, which is fairly close-knit. Therefore, there would be no significant loss of privacy resulting from the proposed development.
14. For these reasons, I conclude that the proposed development would not have a significantly overbearing or unneighbourly relationship with the neighbouring properties and accordingly I find that there would be no significant harm to the living conditions of neighbouring occupiers at 61 and 65 Elizabeth Avenue. Therefore, the proposal would not conflict with retained Policy QD27 of the BHLP, which seeks to ensure that development would not cause material nuisance or loss of amenity to adjacent occupiers, among others.

Other Matters

15. I note that the layout of No 63 is currently unsuited to the needs of the appellant's family and that the annex is sought to house an elderly relative. While I understand this position, personal circumstances can seldom outweigh general planning considerations, and in this case do not outweigh the harm that would be caused to the character and appearance of the area.

Conclusion

16. While I have not identified significant harm in respect of living conditions, I have identified significant harm with regard to the character and appearance of the area. Therefore, for the reasons set out above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR