
Appeal Decision

Site visit made on 29 November 2017

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

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

Decision date: 6th December 2017.

Appeal Ref: APP/Q1445/W/17/ 3181595

7 Marine Close, Saltdean, Brighton BN2 8SA

- 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 Andrew Sinclair against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00536, dated 15 February 2017, was refused by notice dated 13 June 2017.
 - The development proposed is remodelling of existing dwelling, demolition of garages and erection of new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on:
 - a) the character and appearance of the area;
 - b) the living conditions of neighbours in relation to privacy.

Reasons

Character and appearance

3. Marine Close is characterised by modest-sized chalet bungalows set side by side on small rectangular plots. No 7, which is at the end of the close is not directly alongside either No 6 or No 8; instead it occupies a larger plot with garden to the side and rear. It also has two garages within a block of three on the eastern side of the site, the third of which serves No 8. The proposal seeks to remodel No 7, demolish the two garages, sub-divide the plot and construct a chalet bungalow with accommodation in the roof space.
4. The proposal would involve demolishing part of No 7, significantly reducing its width. The accommodation that would be lost would be partially replaced by a single storey rear extension and a loft conversion requiring the addition of a large rear-facing dormer. This dormer would occupy the full width of the rear roofslope and would therefore appear both awkward and bulky alongside the existing rear gable. Even though it would not be seen from the street, I consider this would be significantly harmful to the existing, simple character and design of No 7.

5. I accept that it may be possible to construct a dormer as permitted development. However, no alternative scheme demonstrating how the replacement accommodation could be provided in this way was presented with the appeal. I therefore give the possibility of such a fallback position little weight in my overall assessment of the proposal.
6. The proposed chalet bungalow would be set back from the established building line on the north side of Marine Close. Whilst this would reflect the shape of the hammerhead at the end of the cul-de-sac, the building would be closer to the street than others in the locality. This would be out of character with other properties in the surrounding area. When seen from the street, the style of the bungalow would appear appropriate insofar as it would include a small gable feature and a pitched roof. However, the flat roof element to the side would have the appearance of a converted garage which would be an incongruous feature within a newly constructed dwelling. It would therefore not represent good design.
7. The space between the proposed dwelling and its rear boundary would be very limited. This matter was also of significant concern to the Inspector who dismissed a previous proposal, Ref: APP/Q1445/W/16/3155533. The position of the rear elevation in the scheme before me has been amended to increase the gap between the fence and the building. The separation distance would vary along the rear elevation as a whole. However, at most it would appear to be only a little over 2m. I therefore consider that the additional space is not enough to make a significant difference when compared with the previous scheme. Although the footprint of the dwelling has been reduced, and the overall plot size is comparable with others in the street, the spaces around the dwelling would be fragmented and awkward shapes. Consequently, the new building would appear to be squeezed on to this triangular shaped plot with insufficient space around it to integrate satisfactorily into its surroundings.
8. Taking all these factors into consideration, I conclude that the proposal as a whole would be harmful to the character and appearance of the donor property and the surrounding area. It would therefore fail to comply with Policies CP12 and CP14 of the Brighton & Hove City Plan Part One (City Plan) and saved Policy QD14 of the Brighton & Hove Local Plan (Local Plan). These policies, amongst other things, seek high quality design that respects its setting and takes account of the spaces around buildings. The alterations to No 7 would also conflict with the advice and guidance set out in the Council's Supplementary Planning Document: *Design Guide for Extensions and Alterations*, (SPD12), which seeks to resist full width box dormers as they give the appearance of an additional storey on top of the building.

Living conditions

9. There would be two small dormer windows included in the rear elevation of the proposed dwelling, one of which would have obscure glazing as it would serve a bathroom. However, the second dormer would directly overlook the gardens of Nos 3 and 5 Lenham Avenue. The proximity of this window to the shared boundary would make this overlooking particularly intrusive for the occupants of these nearby houses. Furthermore, the separation distance between rear elevations would only be of the order of 15m. This would permit direct overlooking of habitable rooms which would result in an unacceptable loss of privacy for the neighbours.

10. This overlooking could not be mitigated through the use of obscure glazing as this would result in an unacceptable loss of outlook from the bedroom within the new dwelling, resulting in poor living conditions for future occupants.
11. I conclude that the proposal would harm the living conditions of the occupants of Nos 3 and 5, arising from an unacceptable loss of privacy. It would therefore fail to comply with saved Policy QD27 of the Local Plan, which seeks to resist development that would result in material loss of amenity for adjoining occupants.

Conclusions

12. The government is seeking to significantly boost the supply of housing and requires applications for housing development to be considered in the context of the presumption in favour of sustainable development. The scheme would provide an additional dwelling with sufficient parking. The internal and external space would be adequate to provide acceptable living conditions for future occupants of both the existing and proposed dwelling. These factors weigh in the scheme's favour.
13. However, I have found that the proposal would be harmful to the character and appearance of the donor property and the surrounding area. It would also give rise to unacceptable loss of privacy for occupants of nearby properties. The benefits arising from the provision of a single dwelling would not outweigh these harms.
14. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR