



Appeal Decision

Site visit made on 01 April 2019

by J Slominski BA(Hons) MCD

an Inspector appointed by the Secretary of State

Decision date: 11 July 2019

Appeal Ref: APP/Q1445/D/18/3215949

22 Winton Avenue, Saltdean, Brighton, BN2 8FN

- 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 Ian Pinder against the decision of Brighton and Hove City Council ("the Council").
 - The application Ref BH2018/02838, dated 11 September 2018, was refused by notice dated 6 November 2018.
 - The development proposed is Erection of two storey rear extension at lower ground floor and ground floor level.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development was described differently by the appellant and the Council. I have used the Council's description as it most accurately describes the proposal having two storeys, not one.

Main Issues

3. The main issues are the effect of the development on:
 - i. character and appearance; and
 - ii. living conditions, with particular regard to No.20 Winton Avenue.

Reasons

Character and Appearance

4. Policy QD14 of the Brighton and Hove Local Plan ("Local Plan") permits extensions which are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area; which account of the space around buildings and the character of the area, prevent a terracing effect; and use sympathetic materials.
5. The appeal site is a bungalow on the east side of Winton Avenue, which is attached via the garage to no.20 Winton Avenue. Nos.22 and 20 are of different design such that they appear as a balanced but asymmetrical pair within the street scene.

6. A two storey rear extension is proposed at ground floor and lower ground floor levels. The extension would be wider than the house, and would be almost the full width of the house and garage together. It would be 3.0m deep on its north elevation, and approximately 6.3m deep on its south elevation along the boundary with no.20. The extension would have a flat roof with a mock pitched element on the north and east (rear) elevations.
7. Only a small part of the extension roof at the rear of the existing garage would be perceptible from glimpse views on Winton Avenue. On Perry Hill to the rear, the houses are situated close to each other with the gaps between them enclosed by gates and garages, with only limited views of the roofs of the houses on Winton Avenue and no perception of symmetry or uniformity within those roof forms. The extension would not have a significant visual impact on either Winton Road or Perry Hill and would not be harmful to the street scene.
8. The extension would be two storeys high, in part due to the steep slope of the land, and although the view from the garden would be of a two storey structure it would be no higher than the existing building (which appears approximately 1.5m high from the rear garden). Although several of the nearby properties have been extended and have garages, those garages and extensions are generally visually subordinate to the main part of the property, allowing the bungalows to dominate the appearance of their sites.
9. The height of the proposed extension reflects the site's topography and would not in itself be harmful to the appearance of the building. However, the full width of the extension would erode the visual distinction between the bungalow and the visually subordinate garage, and it would overwhelm the appearance of the house when viewed from the rear.
10. The extension would be excessively deep along the boundary with no.20 and its flat roof would result in it being poorly integrated with the appearance of the original house. It would have an overbearing visual impact when viewed from the rear of no.20.
11. Furthermore, the proposed mock roof form would fail to respect the existing roof form further eroding the existing character.
12. The Council have objected to the proposal disrupting the original plan form of the host building. On that particular point I see no conflict with Policy QD14 as the building's plan form is not protected by policy.
13. Overall the proposed extension, due to its combined full-width design, depth and height, and its incongruous roof form would be a visually incongruous addition which would have an overbearing appearance and would cause unacceptable harm to local character contrary to Policy QD14.

Living Conditions

14. Local Plan Policy QD27 seeks to protect adjacent occupiers from loss of amenity, including overlooking, privacy, daylight, sunlight, disturbance and outlook. Policy QD14 permits extensions which would not result in significant noise disturbance or loss of privacy, outlook, daylight / sunlight or amenity to neighbouring properties.

15. The proposal would be sufficiently separated from the neighbours at 24 Winton Avenue and on Perry Hill so as to avoid unacceptable harm to their living conditions.
16. The proposal would be approximately 6.3m deep along the boundary with no.20, with a gap of approximately 2.5m between the habitable part of 20 Winton avenue and the proposed extension.
17. Due to the separation distance between the centre of the living room window at no.20 and the proposed extension, and having regard to the appeal site being to the north of no.20 (and therefore not blocking sunlight), the proposal would not result in unacceptable loss of outlook, sunlight, daylight or outlook to the living room at no.20. There would be no side facing windows, and therefore there would also be no excessive overlooking or loss of privacy. The proposal, as a residential extension, would also not result in significant noise or disturbance.
18. I therefore find that the proposal would not result in unacceptable harm to living conditions and in that respect would comply with Local Plan Policies QD14 and QD27.

Other Matters

19. In the absence of a lawful development certificate I am unable to place a great amount of weight on the appellant's fall-back position. In any case the proposal does not comply with the development plan and the appellant's fall-back position does not justify the harm arising from the proposal.

Conclusion

20. Having had regard to all matters raised, I find that the proposal does not comply with the development plan and the appeal is dismissed.

Jan Slominski

INSPECTOR