
Appeal Decision

Site visit made on 16 September 2019

by M Harris BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2019

Appeal Ref: APP/Q1445/W/19/3227430

44B Whippingham Street, Brighton BN2 3LL

- 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 Lee McLagan against the decision of Brighton & Hove City Council.
 - The application Ref BH2018/01880, dated 10 June 2018, was refused by notice dated 27 February 2019.
 - The development proposed is described as 'the works are conversion of the loft space, extending the kitchen area to match the lower floor footprint and to enable access to the garden by way of French doors and steps down to said garden.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Furthermore, the description in Part E differs from the description cited by the Council in their decision notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description given on the original application in the decision above.

Main Issues

3. The main issues are the effect:
 - i. of the proposed rear dormers and metal staircase on the character and appearance of the host property and wider street scene; and
 - ii. the living conditions of the occupiers of the ground floor apartment at 44 Whippingham Street with regard to overlooking, noise and loss of privacy to the garden space.

Reasons

Character and appearance

4. The appeal relates to the first floor of an end of terrace two storey dwelling which has been subdivided into two flats, the ground floor flat accessed from Whippingham Street and the first floor flat fronting Shanklin Road.

5. Shanklin Road rises steeply with Whippingham Street and Hartington Place (serving the rear of the property) sloping more gently away from it. The effect of the local topography, combined with the end of terrace position, is that the appeal site is prominent in the wider street scene. The rear elevation is particularly visible from the junction of Shanklin Road and Hartington Place, with properties on the latter looking towards the rear elevations and gardens of those on Whippingham Street.
6. The proposal involves the installation of dormer windows and an external stair to access the rear garden together with increasing the height of a bay to first floor level on the Shanklin Road elevation. The latter is noted by the Council to be acceptable in principle and is not subject to a specific reason for refusal. I agree with the Council on the latter.
7. The addition of dormer windows and the external stair to the rear elevation would be highly visible owing to the relationship with the street. The alignment of the dormers with the existing fenestration is acknowledged, however, in this particular instance, due to the dwellings position at the end of the terrace coupled with the topography, they would be an overly prominent and unduly dominant addition to the property. In this specific context, any existing inconsistency along the rear elevations of the Whippingham Street terrace is not considered to justify this particular proposal.
8. Additionally, the presence of the external metal stair would represent an incongruous addition to the rear of the property for the same reasons as set out above, namely the visibility in the street scene. Whilst it might provide benefits in respect of private enjoyment of the rear garden, this in itself does not outweigh the negative impact of the proposal on the street scene.
9. As a result, when taken together, the proposed rear dormers and metal stair represent inappropriate additions and they would have a harmful impact on the character and appearance of the host property and wider street scene, contrary to saved Policy QD14 of the Brighton and Hove Local Plan (2005) (the Local Plan) insofar as it seeks to ensure that development proposals related well to adjoining properties and the surrounding area.

Living conditions

10. The outdoor space to the rear of the property is currently arranged as two separate gardens, one serving each of the flats, with fencing between to provide privacy. Access from the appeal site is via a gate on Shanklin Road. The current internal arrangement of the appeal property results in some potential for overlooking of the rear garden of Flat A, albeit limited to a bedroom and bathroom.
11. The proposed external stair would provide direct access from the appeal property, gained from an open plan lounge/kitchen space provided through an internal remodelling of the layout.
12. The addition of an external stair, with associated staging platform over the existing storerooms, would increase the potential for overlooking of the neighbouring garden space. When considered in combination with the installation of french doors on the rear elevation, there is also potential for increased noise disturbance both from the use of the stair to access the garden and from within the flat if the doors were left open. Taken together, the

proposals would result in a reduction in privacy and increase in noise disturbance.

13. Whilst there can be a potential for overlooking in areas of built up residential development such as this, and that in this case it exists to some degree from the current layout of the property and garden spaces, in this case the addition of the external stair would increase this to an unacceptable level. I have regard to the reference to boundary fencing and the potential for increasing the height of this however this would not overcome the impacts associated with the stair itself.
14. For the above reasons, I consider that there would be an unacceptable impact on the living conditions of the occupiers of 44 Whippingham Street with regard to overlooking, noise and loss of privacy to the garden space, contrary to saved Policy QD27 of the Local Plan which seeks to protect existing occupiers.

Conclusion

15. For the reasons set out above, the appeal is dismissed.

M Harris

INSPECTOR