



Appeal Decision

Site visit made on 9 September 2019

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2019

Appeal Ref: APP/Q1445/W/19/3231864

Dental Surgery, 4 New Barn Road, Rottingdean, Brighton, BN2 7FN

- 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 Dr Marios Kakos of Deans Dental Care against the decision of Brighton & Hove City Council.
 - The application Ref: BH2019/00861 dated 8 March 2019, was refused by notice dated 16 May 2019.
 - The development proposed is first floor extension to provide additional dentist surgery accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the host property and surrounding area; and
 - the living conditions of the occupants of 4 New Barn Road, with regard to outlook and privacy.

Reasons

Character and appearance

3. The appeal property is a semi-detached two-storey house with a single-storey flat roofed side extension providing accommodation for a dental surgery. It is located on the corner of New Barn Road and Falmer Road. The pair of dwellings formed by 2 and 4 New Barn Road (Nos. 2 and 4) are angled to accommodate their corner position and mirror a similar pair of dwellings on the opposite side of the far entrance to this small planned residential estate of semi-detached houses. The overall character of the area is a spacious and open one, with pairs of dwellings set behind front gardens, supplemented by the presence of green verges.
4. The proposal would extend the property above the existing single-storey extension to create a second floor of accommodation for the dental surgery. The extension would have an eaves level set slightly below the main house with a hipped roof set below the ridge of the main house.

5. The single-storey extension was allowed on appeal¹. The Inspector for that appeal observed that this addition appeared to relate poorly to the plan layout of the main house but not when considered within the context of its neighbour at 6 New Barn Road (No. 6), which it aligned with. The Inspector also found that the simple flat roof form and modest fenestration would not be either visually intrusive or appear as bulky additions, unsympathetic to the design of the existing dwelling.
6. The existing single-storey extension is relatively unobtrusive in the street scene. The proposed extension, by contrast, would significantly increase the bulk of the building and it would be visually more prominent due to its height. The new structure would be set back from the side elevation of the host property, with a slightly lower roof which would make it appear subservient. However, due to the angle of the extension footprint in relation to the parent building and the way the existing and proposed roofs would have to join, it would have an awkward relationship with the main house and would thus be out of keeping.
7. The extension would not be visible from immediately outside No. 2. However, as an addition to a prominent corner property, it would be widely visible from the street, despite being screened in some views by a tree in the front garden of No. 4. There would also be some limited views of the rear from the public realm, including from Falmer Road. It would lead to a loss of symmetry between the corner pairs of semi-detached properties on the entrance to the residential estate. It would also fill the gap at first floor level between Nos. 4 and 6. This would harm the existing pattern of development and open character of the estate.
8. I conclude that the proposed extension would significantly harm the character and appearance of the host property and surrounding area. It would therefore conflict with Saved Policy QD14 of the Brighton and Hove Local Plan 2005 (the Local Plan) and Policy CP12 of the Brighton and Hove City Plan Part One 2016. These policies, together and amongst other things, seek development that is well designed and establishes a strong sense of place by respecting the diverse character and urban grain of the city's identified neighbourhoods.

Living conditions

9. The appeal site is in the ownership of the appellant who lives and works there. The extension would enable him to provide additional accommodation for the dental surgery which needs to expand as it cannot currently meet the needs of new patients.
10. The proposed extension would project beyond the rear elevation of the building. Due to its length and height, this would have an enclosing effect on the host property. The proximity of the extension to a first-floor window in the rear elevation of the property would reduce outlook from this window. There is also a conservatory adjacent to the existing single-storey extension. The increase in height of the building directly adjacent to the conservatory would have an overbearing impact on this room. There would be harm to the living conditions of the occupants of No. 4 arising from this.

¹ APP/Q1445/A/14/2220082

11. The extension would include a window at first floor level in the north elevation. This would overlook the rear garden of No. 4 and could therefore cause a loss of privacy. A similar concern was raised in the previous appeal in relation to a ground floor window in the same general position.
12. I note the findings of the previous Inspector that the window, even if obscured and fixed shut, might nevertheless lead to the perception of being overlooked. However, he concluded that the position of this window facing away from and not into the private garden immediately adjacent to the house would not result in an unneighbourly form of development.
13. The window in the appeal scheme would face in the same direction but in a more elevated position and has the potential to be similarly intrusive. However, if it were obscured and non-openable up to 1.7m above internal floor level, then the harm would be mitigated. It would be possible to use a condition to extend the restriction on occupancy to the new first floor, meaning that only persons living in the parent property could work in the dental surgery. Although the occupiers of No. 4 would be aware of the proximity of the new obscurely glazed window, their close association with the dental business means that it is unlikely that they would be concerned by it, as indeed they have indicated.
14. I conclude that the proposed development would cause material harm to the living conditions of occupants of 4 New Barn Road, with regard to outlook but not with regard to privacy. It would therefore conflict with Saved Policy QD27 of the Local Plan which requires development to protect the amenity of existing occupiers.

Other Matters

15. The appellant has successfully built up his dental surgery practice since opening in 2016. The proposed development would enable the expansion of an existing dental surgery to help meet the NHS needs of the local area. It would also enable the surgery to provide a staff room in line with regulations as well as provide additional space to accommodate changes in technology and additional equipment associated with this. These are all benefits of the scheme. However, I have been provided with no evidence that this is the only way for the appellant to expand his dental practice. The public benefits arising from the expansion of dentistry services do not outweigh the harm I have identified.

Conclusion

16. For the reasons set out above, I conclude the appeal should be dismissed.

Rachael Pipkin

Inspector