



Appeal Decision

Site visit made on 10 December 2019

by R J Jackson BA MPhil DMS MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2019

Appeal Ref: APP/Q1445/D/19/3239957

46 Combe Vale, Saltdean, Brighton BN2 8HL

- 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 Tom Parker against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/02431, dated 14 August 2019, was refused by notice dated 22 October 2019.
 - The development proposed is loft conversion and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for erection of single storey side extension to replace existing garage and two storey rear extension with juliet balcony, insertion of 1 No rooflight to south, east and west elevations and revised fenestration with associated works at 46 Combe Vale, Saltdean, Brighton BN2 8HL in accordance with the terms of the application, Ref BH2019/02431, dated 14 August 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P 01, P 02, P 03, P 07 and P 08.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural matters

2. The description of the proposal set out on the application form is given in the heading. However, the drawings show additional works, particularly the replacement of a garage. The Council used a longer and fuller description on its decision notice and the appellant used this revised description on the appeal form. As this more completely describes the proposal, I have used the revised description in the formal decision.
3. On the decision notice the Council referred to Revision A of drawing P07 (Proposed Elevations). However, I was provided with an 'unrevised' version of the drawing by the Council. I asked both the appellant and the Council whether they had Revision A and both confirmed that they did not have this. I have therefore used the 'unrevised' version in making my decision as it would appear that the reference to a Revision A was in error.

Main Issue

4. The main issue is the effect on the character and appearance of the original building and area.

Reasons

5. The appeal property is a semi-detached bungalow in an area of similar properties. The landform rises so that the properties to the rear are at a higher level as are those to the east along the road. I noticed at the site visit that a number of properties in the area had converted the roof spaces often with the use of large, flat roofed dormers in rear elevations.
6. The location plan shows a detached garage, although itself being attached to a detached garage at the adjoining property No 48, set to the rear of the appeal property. However, at the time of the site visit there no garage on the appeal site. Building works were taking place at the rear of the property and were at the foundations stage.
7. The proposal is to construct a two storey extension to the rear of the property with a gable. The ridge of this would be at the same level as that on the existing bungalow. The eaves would be approximately half way up the rear roof plane. The roof space would be converted to habitable accommodation with a rooflight in the rear elevation and each of the side roof planes of the proposed two storey extension. Finally, an attached single storey flat roofed garage and store would be constructed to the east of the property, but further forward than shown for the previous garage.
8. The Council's concern relates to the two storey nature of the rear extension which it considers relates poorly to the main property not, in its opinion, being subservient to the existing property.
9. The proposal would be seen through the gap between the appeal property and No 48, but this would not have a significant effect on the street scene in that it would be seen through a relatively small gap and at an angle. It would therefore not be harmful to the street scene or the character and appearance of the wider area.
10. Because the eaves height of the proposed rear extension would not relate to any current feature on the existing property it would not be well detailed in relation to the property to be extended and as such would be contrary to Policy QD14 of the Brighton and Hove Local Plan (the Local Plan) which states that planning permission will only be granted if this is fulfilled. By not being set down from the ridge it would also not be subservient to the original building. Having said that, subject to appropriate use of matching materials, if implemented, the building would appear as an integral whole once completed.
11. The appellant indicates that in the event the appeal was dismissed he would extend the property through the use of permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), particularly through the use of a dormer in the rear roof plane.
12. While this appeal is not the forum to determine whether such an extension would be lawful, the consideration of a fallback requires a judgement as to whether there is a greater than theoretical possibility that the development

might take place and what weight should be given to that possibility. Given that there are other dormers in the area I consider that it is likely that such a dormer would be constructed either through the use of permitted development rights or through an express grant of planning permission and therefore give this possibility substantial weight.

13. The other dormers in the area have large flat roofs and a box like appearance. These appear as unrelated to the parent property and a response to utilising permitted development rights rather than creating a designed integral whole. In my view the resultant design of the proposal would create an enhanced design response to this potential fallback. The National Planning Policy Framework (the Framework) in paragraph 127 gives particular emphasis to creating developments that are visually attractive and I consider that the resultant building would be visually attractive.
14. On that basis, while the proposal would be contrary to Policy QD14 of the Local Plan, material considerations indicate that the decision should be made otherwise to the development plan as the proposal would represent a visually attractive design. Therefore, it would be in keeping with the character and appearance of the area and the original building and would comply with paragraph 127 of the Framework as set out above.

Conditions

15. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty.
16. I have also imposed a condition requiring the materials match those used on the existing property to ensure that the resultant building would form an integral whole.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

RJ Jackson

INSPECTOR