



Appeal Decision

Site visit made on 21 October 2020

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/Q1445/W/20/3249006

21 Tumulus Road, Saltdean, Brighton BN2 8FR

- 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 Hall against the decision of Brighton and Hove City Council.
 - The application Ref BH2019/02871, dated 25 September 2019, was refused by notice dated 12 February 2020.
 - The development proposed is a new summer house in rear garden.
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Decision

1. The appeal is allowed and planning permission is granted for a new summer house in rear garden at 21 Tumulus Road, Saltdean, Brighton BN2 8FR in accordance with the terms of the application, Ref BH2019/02871, dated 25 September 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: PBP1217/01 (Version with reference to polyester painted box profile sheet roofing – Plastic coated (leathergrain) finish – Anthracite Grey RAL 7106), PBP1217/02 and PBP1217/03
 - 2) The top hung window to the toilet area fitted with obscured glazing, and where no part of that window less than 1.7 metres above the floor of the room in which it is installed is capable of being opened, shall not be modified to open in any different configuration, and the obscured glazing shall be retained thereafter.
 - 3) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 21 Tumulus Road.

Main Issue

2. The main issue relates to works already substantially carried out and is the effect on living conditions of the occupiers of neighbouring properties, having regard to privacy, overbearing and outlook.

Reasons

3. 21 Tumulus Road (No 21) is a detached chalet bungalow that sits in an area of properties of similar size and scale. It is in an elevated position from the road, has an extensive rear garden which slopes upwards away from the house, and

backs onto similar sized properties and sloping rear gardens belonging to houses that front Wivelsfield Road.

4. The timber clad, pitched roofed summer house to which the appeal relates, is located in the rear corner of the garden of No 21, with a narrow fenestrated elevation adjacent to the angled short boundary with 17 Tumulus Road (No 17), with its long un-fenestrated rear elevation facing the boundary with 20 Wivelsfield Road (No 20). At the end of the summer house facing the boundary with 23 Tumulus Road the roof of the summer house extends beyond the gable to shelter the entrance. The main elevation of the summer house facing No 21 is extensively glazed with 3 windows and a pair of glazed doors. The summer house appears to have been substantially completed, with only some minor cladding and finishing work remaining to complete the development.
5. As part of my site visit I was able to carefully consider the relationship of the summer house with neighbouring buildings. Given the distance between the summer house and the dwelling at No 20, and the slope of the land down away from No 20 towards the summer house, I do not find that it appears so tall as to have an overbearing presence or results in an unacceptable outlook from No 20 or other neighbouring properties.
6. The long glazed front elevation of the summer house is some distance from the main building at No 21 and neighbouring dwellings on Tumulus Road, which, given the sloping land, appear to sit below the level of the summer house. Likewise, the larger window in the side elevation of the summer house facing the boundary with No 17 is some distance from that dwelling and faces towards a side fence at the rear part of the garden to that property. Given the distances involved and the orientation of the window in the side elevation, the degree of overlooking does not result in unacceptable loss of privacy to the residential occupiers of Nos 17 and 19, in either of these dwellings or their gardens.
7. I find, therefore, that the development does not result in an overbearing presence or loss of privacy that would cause harm to the living conditions of the residential occupiers of No 17 or No 19.

Other Matters

8. Concerns have been raised by other interested parties with regard to fire risk, however, I do not regard these as being greater than that of other outbuildings visible in the local area.
9. Interested parties have also raised concerns with regard to noise and drainage. As the property is set with substantial garden space around it that provides surface drainage, I do not perceive that the development would result in excessive run off. The suitable drainage of waste is overseen by the responsible authority. Similarly, the summer house is subject to the same constraints on noise as the main dwelling and is overseen by the responsible authority.
10. The impact of the development on property values and council tax raised as concerns by other interested parties are not material planning considerations.
11. Concerns have been raised by other interested parties with regard to the effect of the development on the character and appearance of the local area. However, I find that, given the size and scale of the properties in the local area, and their gardens in particular, I do not regard the single storey

development of a summer house, although substantial, to be out of keeping with the spacious character and appearance of the local area.

12. Concerns have been raised about the precedent of allowing the development. However, my findings in this appeal must be based only on the individual planning merits before me. The circumstances of other applications would be likely to be different and if proposals came forward elsewhere within the locality they would be assessed in the light of the factors relevant to those cases. Therefore, I consider the concern about precedent does not offer a basis for dismissing the appeal.
13. Concerns have also been raised by other interested parties as to whether the summer house would be used for separate living accommodation, rather than for purposes incidental to the main residential dwelling. This is a matter that can be dealt with through the application of a suitable condition.

Conditions

14. Since construction of the summer house that is the subject of this appeal has already commenced and is substantially complete, it is not necessary to attach a condition that sets a time limit for commencement of the development. As the development is not complete, I have imposed a condition specifying the relevant drawings, as this provides certainty that the development will be completed in accordance with these plans.
15. For the purposes of privacy, I have imposed a condition that the window to the toilet space has obscured glazing.
16. To ensure that the development does not unduly impact on the amenities of the location and the living conditions of neighbours, I have imposed a condition that requires that the development shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling.

Conclusion

17. For the above reasons and having had regard to all other matters raised, I conclude that the appeal should be allowed, subject to the conditions as set out above.

Victor Callister

INSPECTOR