



Appeal Decision

Site visit made on 25 May 2021 by M Long

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2021

Appeal Ref: APP/Q1445/D/21/3271659

135 Woodland Avenue, Hove BN3 6BJ

- 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 Behnam Zanjani against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/03159, dated 2 November 2020, was refused by notice dated 29 December 2020.
 - The development proposed is the erection of a two storey rear extension and rear terrace with associated alterations.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey rear extension and rear terrace with associated alterations at 135 Woodland Avenue, Hove BN3 6BJ in accordance with the terms of the application, Ref BH2020/03159, dated 2 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: Drawing No 02 and the site location plan included in Drawing No 01.
 - 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.
 - 4) Prior to the use of the rear decking hereby approved, privacy screening shall be fully installed in accordance with Drawing No 02 and shall be constructed so that no views through this screening can take place. Once installed the privacy screening shall be retained thereafter.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
- the character and appearance of the area; and
 - the living conditions of the neighbouring occupiers at 137 Woodland Avenue with regard to light and privacy.

Reasons for the Recommendation

Character and Appearance

4. The appeal site is a two storey, detached property with a sizeable rear garden that slopes steeply towards the rear boundary. The surrounding area is residential and is largely comprised of detached dwellings, a number of which have been extended. The neighbouring property to the north, No 137, has a side extension positioned alongside the shared boundary with the appeal site, it is also greater in depth and its rear elevation projects beyond the appeal property. The property to the south, No 133, has a single storey rear extension which also projects beyond the rear of the appeal dwelling.
5. The proposal includes a two storey rear extension with a hipped dual pitched roof that would be set down from the existing ridge line. It would cover the entire width of the rear elevation and project beyond No 137 by a short distance. The proposal also incorporates a rear deck that would be set back from the shared boundaries by a significant distance and which would be fitted with privacy screens of approximately 1.7 metres on its north and south facing sides. While views of the proposed development would be limited from the Woodland Avenue streetscene, it would be prominent from neighbouring sites.
6. Although substantial in width, the limited height and depth of the proposed extension would be such that the development would not appear as an overly dominant addition to the host dwelling. The significant set down of the roof from the existing ridge line would clearly signal its subservient status and the hipped dual pitched roof design would reduce its overall mass to appear sympathetic to the host dwelling.
7. Due to the limited views of the proposed extension from the streetscene, and number of existing extensions in the surrounding vicinity, the proposal would not appear out of keeping with the local character of the area. The extended depths of the appeal site's immediate neighbouring properties would further minimise the dominance of the proposed extension and therefore it would not amount to an overdevelopment of this site.
8. For these reasons, the proposed development would not result in undue harm to the character and appearance of the area. As such, it would accord with saved Policy QD14 of the Brighton & Hove Local Plan, adopted July 2005, which seeks to ensure new extensions and alterations are well designed in relation to their surroundings and take account of the character of the area. There would be no conflict with the National Planning Policy Framework which seeks to prevent development of poor design.

Living Conditions

9. The appeal dwelling is set back a short distance from the shared boundary with No 137. No 137's rear elevation projects beyond the appeal property and

incorporates a rear conservatory that is positioned a significant distance away from the shared boundary. No 137 also has a raised rear patio area and a first floor window in the south facing elevation which faces towards the appeal site.

10. The proposed extension's set down from the existing ridge line, hipped roof design and limited projection beyond No 137's rear elevation would minimise its overall size and prevent an undue reduction of light available to the neighbouring residents. While there may be a modest reduction in the level of light available to the rear patio space and first floor window, this would not amount to an unacceptable level of harm. Due to the orientation of the neighbouring buildings, the proposal would not block a significantly larger amount of sunlight than the appeal dwelling currently does. As the conservatory at No 137 is positioned a significant distance from the appeal site, the proposal would have a limited effect on its available light.
11. Although the proposed rear deck area would be substantially higher than the existing ground level, its significant set back from the shared boundary would minimise undue overlooking to the rear elevation and patio space at No 137. Moreover, the addition of tall privacy screens would limit direct views of No 137 and maintain an acceptable level of privacy for the neighbouring occupiers.
12. Given the above, the proposed development would not result in harm to the living conditions of the neighbouring occupiers of No 137 with regard to light and privacy. It would therefore accord with saved Policy QD27 of the Brighton & Hove Local Plan which seeks to ensure that development does not cause a loss of amenity to its adjacent residents.

Other Matters

13. Even if the property was rented to a larger number of residents than currently live there, any resultant increase in traffic would be minor and there appears to be an adequate provision of parking at the site to accommodate this possibility. The house, as extended, is also unlikely to give rise to noise levels beyond those associated with a residential property.
14. While there may be very few two storey extensions in the surrounding vicinity, there is no evidence to suggest allowing this proposal would set an undesirable precedent in the local area. In any event, each case must be determined on its own individual planning merits.
15. Property values, the state of repair of the existing house and whether the house would be rented to a family or multiple tenants are matters which are not central to the main planning issues in this appeal. These matters carry very limited weight and do not outweigh the conclusions above.

Conditions

16. In addition to the standard time period for commencement and requiring that development be carried out in accordance with the approved plans, which is necessary for certainty, I recommend that matching external materials are used to preserve the character and appearance of the dwelling.
17. A further condition to ensure the rear deck area is fitted with privacy screening on its north and south facing sides is recommended to protect the privacy of the neighbouring residents.

Conclusion and Recommendation

18. The proposed development would accord with the development plan, when considered as a whole. For the reasons given above, and having regard to all matters raised, I recommend that the appeal should be allowed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

K Taylor

INSPECTOR