



Appeal Decision

Site visit made on 25 May 2021 by C Glaister BSc (Hons)

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/21/3268763

13 The Ridgway, Brighton BN2 6PE

- 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 Gregory Harris against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/03475, dated 26 November 2020, was refused by notice dated 21 January 2021.
 - The development proposed is described as 'mansard roof alterations'.
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Decision

1. The appeal is allowed and planning permission is granted for roof alterations including raising of the ridge height and creation of a mansard roof with dormers to the front, side, and rear elevations at 13 The Ridgway, Brighton BN2 6PE in accordance with the terms of application Ref BH2020/03475, dated 26 November 2020 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: 'the site location plan' 'the block plan' and 'the plans showing the proposed layout and proposed elevations'
 - 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) The windows on the side elevations of the development hereby permitted shall at all times be obscure-glazed. The windows shall also at all times be non-opening (except that part which is above 1.7 metres above the floor of the room in which the window is installed). Once installed the obscure-glazing and restricted means of opening 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.

Procedural Matters

3. The description provided in the banner heading above is taken from the application form. Further description is given in the decision notice wherein the development is referred to as 'roof alterations including raising of the ridge

height and creation of a mansard roof with dormers to the front, side, and rear elevations'. This serves to adequately describe the proposed development, and as such the appeal is considered on this basis.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring residents, with regard to light, privacy, and whether or not it would be overbearing.

Reasons for the Recommendation

Character and Appearance

5. The Ridgway is a residential road characterised by houses of various forms, styles, and geometries. Both single-storey and two-storey properties of differing sizes are present along the street, and a range of roof designs can be observed. The appeal property, a modest, symmetrical bungalow with a hipped roof, sits between No 15 and No 11 The Ridgway. No 15 is a semi-detached house with dormer windows to the front and back, and it maintains a half-hip roof element which faces No 13. No 11 has a gabled façade, lies slightly closer to the appeal site, and is situated on a marginally lower elevation.
6. The proposed development would extend the property upwards within the confines of the existing footprint. The roof tiles and brickwork would match the existing materials. Were the height to be increased, the building would remain integrated within its surroundings due to the diversity of property shapes and sizes. In a similar respect, changes to the character and appearance of the dwelling, by way of a mansard roof, an increased pitch, and additional bulk, would be appropriate in light of the heterogeneous aesthetic of homes in the area. Though the building would represent a unique construction, particularly the mansard roof element, it would avoid appearing alien or imposing amongst homes which are in any case dissimilar in design, and which individually define themselves. Additionally, No 13's position and relationship between No 11 and No 15 would not be unlike other instances of development seen along the road, and would not appear dominant in this context.
7. The development would for these reasons sufficiently respect and sympathise with the general appearance of the street scene, including the scale, continuity, roofline, and topography. It therefore adheres to the guidance given in the SPD12 Supplementary Planning Document Design Guide for Extensions and Alterations.
8. For these reasons, the development would avoid harm to the character and appearance of the area and accord with Policy QD14 of the Brighton & Hove Local Plan which seeks to ensure development is well designed, sited, and detailed in relation to the property, those that adjoin it, and the surrounding area.

Living Conditions

9. The side elevations of the appeal property do not extend as far back as the dwellings either side of it. No 11 maintains a narrow corridor of space between itself and the fence which separates it from the appeal site. It has three

rooflights positioned on the side of its roof which faces No 13, only one of which is in alignment with the appeal building. Despite being at a lower elevation, its ridge height appears to marginally exceed that of No 13. There is a greater distance between No 13 and No 15. The building for which No 15 forms one half maintains four large dormer windows to the rear. There is a significant distance present between No 8 Bush Close and No 13 The Ridgway, and a fence together with vegetation in the early stages of growth serves to separate the two sites.

10. Extending the height of the appeal property would have a minimal impact upon No 15 due to the distance between the two dwellings, and the lack of unobscured windows on the northern elevation of No 15. The proposed development would have a small impact upon light to the rooflights of No 11 which face the appeal site. However, this would only be likely to occur at specific times of the day due to the orientation and positional relationship of both dwellings, and would in this respect be acceptable.
11. The overbearing that would result from the proposed development would be present only in the area of No 11 which accommodates a narrow corridor of space to the side of the property, and this would not represent a significant detriment to the living conditions of the occupiers. Given the distance between No 13 The Ridgway and No 8 Bush Close, and its adjacent neighbours, and the existing presence of overlooking experienced from other properties in the area, including No 15, overlooking or a loss of privacy would not increase significantly. Overlooking of other properties in the vicinity such as No 11, No 11a, and No 15, would similarly not arise to an unacceptable degree due to existing levels of overlooking and the fact that overlooking to these sites would only occur towards the back ends of each property's garden space.
12. For these reasons, the development would not harm the living conditions of neighbouring residents, including where it relates to light, privacy, and overbearing, and would accord with Policy QD27 of the Brighton & Hove Local Plan which seeks to protect the amenity of users, residents, and occupiers.

Other Matters

13. The Council has clearly stated that to separate the property into multiple residential units would require further express planning permission, due to the recent adoption of a city-wide Article 4 Direction. As such, the appeal is considered only in the context of extending a single C3 Class Use residential dwelling. For this reason, the effect on traffic and parking in the area would not change significantly as a result of the proposed development.
14. While it is noted that some neighbouring residents place particular importance on the use of their garden, the proposed development would not substantially impose upon the amenity of neighbouring occupiers and would not therefore limit the use of private outdoor areas for surrounding residents. Furthermore, the proposed development would not incur additional noise further to that which would reasonably be expected of a home extension, and this would in any case be a temporary and acceptable disturbance.
15. The planning system does not exist to protect private interests such as the value of land or property, and as such the affect the proposed development could have upon property values does not hold weight in the determination of this appeal. Similarly, whether the appellant wishes to continue living in the

appeal property following construction of the development were it to be permitted is not clear, and this would in any case be a neutral matter.

16. The extent to which the proposed development could restrict views would be minimal, and would not cause harm. At the time of the Council's officer report there was one planning application for the appeal site pending approval. The details of this proposal have not been provided for this appeal. However, in principle, even if a single storey rear extension were permitted, it would not fundamentally alter the balance of considerations in this appeal.

Conditions

17. As standard, conditions relating to the commencement of the development, and that the development adheres to the plans provided, in order to provide certainty, are recommended. In addition, a condition ensuring materials match the existing building would be necessary in the interests of the character and appearance of the area, and a condition ensuring the side facing windows are obscure-glazed and limited in their opening is recommended in the interests of preserving the living conditions of neighbouring residents.

Conclusion and Recommendation

18. Based on the above, and having regard to all matters raised, I recommend that the appeal should be allowed.

C Glaister

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