



Appeal Decisions

Site Visit made on 2 June 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 JUNE 2021

Appeal A Ref: APP/Q1445/D/20/3262616

29 Westmeston Avenue, Saltdean, Brighton BN2 8AL

- 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 and Mrs Michael and Debbie Chisholm against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/02414, dated 25 August 2020, was refused by notice dated 3 November 2020.
 - The development proposed is remodelling of the house and installation of facilities for wheelchair use including the installation of a lift and new staircase.
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Appeal B Ref: APP/Q1445/D/21/3267863

29 Westmeston Avenue, Saltdean, Brighton BN2 8AL

- 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 and Mrs Michael and Debbie Chisholm against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/03198, dated 5 November 2020, was refused by notice dated 22 January 2021.
 - The development proposed is remodelling of the house and installation of facilities for wheelchair use including the installation of a lift and new staircase.
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Decision

1. Both Appeal A and Appeal B are dismissed.

Main Issues

2. The main issues for both Appeal A and Appeal B are the effect of the proposed developments on the character and appearance of the area and on the living conditions of neighbouring occupiers with particular regard to light and whether there is an overbearing effect.

Reasons

Character and Appearance

Appeal A and B

3. Houses in Westmeston Avenue share characteristics of being detached, set in their own grounds and appearing in the streetscene as single or two storey with some secondary basement levels mainly used for garages, including number 19¹. Whilst the detailing, including use of materials, is somewhat varied, these consistent features create a pleasant spacious and modest

¹ BH2015/02232

domestic character to the area. The topography is pronounced with an incline from east to west.

4. No 29 is one of the taller dwellings in the road at two storeys plus a pitched roof above and sits on the higher side of the road. The neighbouring dwelling at no 27 is single storey which makes this height more pronounced.
5. I have been presented with examples of three storey houses in east Brighton². However, these are some distance from 29 Westmeston Avenue and as such do not alter my assessment of the character and appearance of the surroundings of the appeal site. I understand alterations have also been approved at no. 35³, they did not appear to have been implemented at my site visit. In the absence of any clear indication that this work will take place I have assessed the current appeals on the basis of the existing situation.

Appeal B

6. The remodelling of the roof would increase its overall height by close to 0.4m, as annotated on the submitted drawings. Although the eaves height would be reduced, this is already one of the taller dwellings in the vicinity so any increase to the ridge height is particularly noticeable. Furthermore, the detailing at roof level including dormers and opaque panels to the upper part of the gable end would emphasise this increased massing at roof level. The roof alterations would also result in the creation of a discordant partial gable end to the north elevation which would jar with the hipped roof to the rear part of the north and the south elevations.
7. The resultant roof would be harmfully bulky and dominant due to its scale and design in this modest context. Moreover, the proposed variety of roof forms would be unacceptably visually jarring and serve to draw attention to the inappropriate roof form.
8. A large side extension is also included which would be as tall as the proposed ridge height. It would therefore not appear as subservient to the original property. Whilst it would be set back from the main front elevation, its scale and siting mean that it would be highly visible in public views from the street. Consequently, this extension would be a dominant and bulky addition harmful to the character of the host dwelling and the streetscene.
9. Given the varied styles of windows nearby, I do not find harm with regard to the appearance of the proposed fenestration. Nevertheless, taking all the alterations together, the resultant appearance is of an inappropriately large property, harmfully dominant in terms of its scale and massing relative to the modest characteristics of both the host dwelling and the streetscene.

Appeal A

10. The alterations proposed in Appeal A are similar to Appeal B in terms of their siting and purpose. However, they are larger including an increased overall height to the proposed dwelling, increased eaves height, steeper pitch to the roof, and increased massing of the side extension. Given my findings above that the smaller alterations proposed in Appeal A would be discordant,

² Chailey Avenue BH2016/05906, Newlands Road BH2017/00340, Nevil Road BH2017/00890

³ BH2019/03214

inappropriately large and dominant it follows that I find Appeal A to be even more harmful in these regards.

Appeal A and B

11. As such the proposed developments would have a harmful effect on the character and appearance of the area. This would be contrary to Policy QD14 of the Brighton & Hove Local Plan (retained policies March 2016) (the Local Plan) and the advice in SPD12 Design Guide for extensions and alterations adopted 20 June 2013 which require extensions and alterations to be well designed and provide guidance as to how this can be achieved.
12. Policy QD2 of the Local Plan is referred to in the decision notice for Appeal A. However, this is not a saved policy in the local plan and therefore is not relevant to these appeals.

Living Conditions - Appeal A and B

13. 31 Westmeston Avenue has its main windows to the front and rear. There is a single obscure glazed window to the elevation of No 31 facing towards no. 29. For both Appeal A and B the proposed alterations would not extend any further to the rear, and the front extensions are limited in height. As such I am not persuaded that there would be harmful impacts in terms of either light or an overbearing effect to the front and rear windows at No 31. Whilst there may be some effect on the light to the side window, particularly in Appeal A, it is unlikely to be the only window to a main room. Therefore, this would not lead to a significantly harmful effect on the living conditions of the neighbouring occupiers in terms of overshadowing or overbearing for either Appeal A or B.
14. There are limited changes proposed to the building envelope on the south elevation for both Appeal A and B, consequently the effect on No 27 in terms of light and overbearing effect would be minimal.
15. Therefore, the proposed development would not be unacceptably harmful to the living conditions of neighbouring occupiers. As such, it would be in accordance with policy QD27 of the Local Plan which requires that development should not cause a loss of amenity to adjacent occupiers.

Public Sector Equality Duty – Appeal A and B

16. There is an occupant who is disabled at this property who requires all floors to be adapted for wheelchair use including a platform lift. I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The Act sets out the relevant protected characteristics which include disability.
17. The proposed alterations would advance equality of opportunity between persons who use a wheelchair and those who do not at this property and this is a benefit of the proposed development. The attic room is needed to store necessary equipment, however there are also 3 reception rooms and I am not satisfied that one of these could not be used for this purpose. Furthermore, the existing property is generously sized and, particularly considering my comments as to the necessity of an attic room, I am not persuaded that a lift

and stair could not be accommodated without the need for such harmful alterations.

18. Consequently, I am not satisfied that these proposed developments would represent the only or least harmful options to provide the required alterations. Furthermore, due to the scale of the developments (extensions to a single dwelling), the benefit identified above would be mainly a private benefit. I have also considered that the proposed extensions would result in unacceptable public and permanent harm as described above. Therefore, in such circumstances, there is a clear reason in the public interest that the proposed developments should not be permitted.

Conclusion

19. The proposals would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeals should be determined otherwise. Therefore, for the reasons given above, I conclude that both Appeal A and Appeal B should be dismissed.

H Miles

INSPECTOR