

Appeal Decision

Site visit made on 17 February 2022

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2022

Appeal Ref: APP/Q1445/D/21/3289653

141 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 Mr Benham Zanjani against the decision of Brighton & Hove City Council.
 - The application, Ref. BH2021/03657, dated 13 October 2021 was refused by notice dated 26 November 2021.
 - The development proposed is the erection of a two storey rear extension and single storey side extension, and erection of raised decking with privacy screen to the rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the two-storey rear extension on the character and appearance of the host dwelling and its immediate surroundings, and (ii) the effect of the extension and the decking on the living conditions for occupiers of the adjoining dwellings in terms of outlook, light, and privacy.

Reasons

3. I saw on my visit that the rear wall of the two-storey appeal dwelling at No. 141 Woodland Avenue shares the same original building line as its near neighbours, including the adjoining No. 143 to the north and No. 139 to the south.
 4. All three buildings have had single storey additions of various forms but with a two-storey extension of the width and depth as now proposed (amended from an earlier refused scheme) the appeal dwelling would exhibit a marked change as regards overall scale, bulk, and projection at two storey height (albeit lower than the original building) into the rear garden.
 5. A dummy pitch and crown roof is the design option chosen to reconcile the substantial increase in accommodation and floor space sought, with the constraints of both the original dwelling and its context within 'a group of five similarly designed and scaled properties'. However, this in itself is indicative that despite revisions to reduce the adverse effects of the previous application ref. BH2018/00344, the appeal scheme has an element of contrivance and that the Council is correct to conclude that it would be an incongruous addition out of keeping with the site and its neighbours. This would be in conflict with Policy QD14a of the Brighton & Hove Local Plan (Retained Policies March 2016) ('the
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Local Plan') and with Section 12: 'Achieving Well-Designed Places' of Government policy in the National Planning Policy Framework 2021 ('the Framework').

6. Turning to the second issue, the two-storey extension would extend the full width of the original building by 3.5m. This would to some extent restrict the outlook from the side of No. 139's conservatory and a bedroom window. However, because of its greater proximity the addition would have a greater effect on No. 143 to the north. The outlook from windows of the nearest rooms of the house, the conservatory, terrace, patio and garden would be adversely affected and with the appeal scheme's southward position there would additionally be a shading effect from afternoon sunlight.
7. In respect of privacy, application drawing no. 03 includes a block plan which correctly illustrates the proposed decking extending into the host dwelling's rear garden to a further extent than the footprints of both the neighbouring houses and their rear additions. Whilst the proposed side screens will help to prevent overlooking, my concern is that people leaning over the decking's rearward screens to enjoy views of the garden or walking up and down the steps would have elevated views into the middle and lower parts of the gardens of Nos. 139 & 143, resulting in both an actual and perceived loss of privacy for these neighbouring occupiers. On this issue I therefore conclude that the appeal proposal would have an unacceptable impact on the outlook, light and privacy for Nos. 139 and 143 in conflict with Local Plan Policy QD27 and paragraph 130e) of the Framework.
8. In coming to my conclusions, I have carefully considered the grounds of appeal, which in part draw favourable comparisons with the initial proposal under ref. BH2018/00344. However, whilst there may have been improvements because of the amendments, I do not have detailed information on that proposal before me and in any event I have formed my views of the appeal scheme on its own merits.
9. For these reasons I dismiss the appeal.

Martin Andrews

INSPECTOR