

Appeal Decision

Site visit made on 23 February 2022

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

an Inspector appointed by the Secretary of State

Decision date: 4th March 2022

Appeal Ref: APP/Q1445/D/21/3289461

14 Chorley Avenue, Saltdean, Brighton BN2 8AQ

- 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 Suresh McMillan against the decision of Brighton & Hove City Council.
 - The application, Ref. BH2021/02418, dated 30 June 2021 was refused by notice dated 6 October 2021.
 - The development proposed is a Loft Conversion: Roof alterations incorporating raising of roof ridge height to create a usable space with a balcony to the front elevation; 4 rear rooflights and associated alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the proposal on the character and appearance of the host building and the Chorley Avenue street scene, and (ii) the effect on the living conditions for neighbouring occupiers as regards outlook, privacy and noise & disturbance.

Reasons

3. I saw on my visit that Chorley Avenue comprises both bungalows and two storey houses with many of the dwellings being of an individual appearance and a number having had subsequent alterations since their construction. I do not therefore concur with the Council's reference to 'uniformity' in the street scene. Indeed, the only readily apparent consistency in the road is that the dwellings are detached and that their individual and collective appearance is strongly influenced by the slope of the land both along and across the road.
 4. On the first main issue, No. 14 has a more formulaic design than its neighbours and is perhaps more typical of a standard house type in a late C20th estate development than many of its more individualistic neighbours. Whilst arguably somewhat bland in appearance, this does have the benefit of avoiding a negative impact on the street scene as made by some of the other properties with unsympathetic additions and alterations.
 5. However, the appeal scheme would fundamentally affect the character and appearance of the existing building. The alterations are described in detail in the officer's report, but in summary the main element is a replacement roof
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with a different size and design for second storey habitable use. In order to facilitate these changes the ridge would need to be set further back, whilst the dwelling would have a noticeably higher ridge and eaves line and include an almost full width flat roofed front dormer with a balcony and extensive glazing.

6. The effect of these alterations would be twofold. Firstly, both the front and rear elevations would result in a poorly designed building tantamount to a full three storeys in height and of an incongruous appearance. The dormer would dominate the front of the building and with its large scale and full height windows appear at odds with the first floor fenestration, giving the dwelling a top heavy appearance. The rear of the building is far less visible, but this would not justify a poor design and appearance. This would be in respect of the high solid to void ratio in the form of excessive brickwork relative to the size of the windows, and in particular the size of the gap between the bedroom windows and the eaves.
7. The second main effect of the alterations would derive from the building's height in relation to No. 16. Because of the individualistic designs and variety of footprint shapes and positions, the rhythm of the street scene is confined to the stepped ridgelines that reflect the slope of the road. In the photograph of Nos. 12, 14 and 16 in the grounds of appeal, the ridge of No. 16 is substantially higher than that of No. 14 and this is confirmed by the Existing Front Elevation as shown on application drawing no. 01. This differential is needed to take account of the downward slope of the road.
8. However, the Proposed Front Elevation on application drawing no. 01 shows the ridge of the extended appeal property as now appearing noticeably higher than that of No. 16. This is corroboration that the building would be too tall for its setting and that the interruption of the set down rhythm combined with the poor design of the front elevation would draw the eye as being harmfully intrusive in the street scene. I acknowledge that the appeal scheme would restore the set down between Nos. 14 and 12 which was removed by the approved alterations to the latter, but this would not outweigh the adverse effect of the appeal dwelling's incongruous relationship with No. 16.
9. On this issue I therefore conclude that the proposal would have an unacceptably harmful effect on the character and appearance of the host building and the Chorley Avenue street scene. This would be in conflict with Policy QD14 of the Brighton & Hove Local Plan; Policy CP12 of the Brighton & Hove City Plan Part One and Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2021.
10. Turning briefly to the second issue, the Council refers to overlooking, noise and visual impact for neighbours arguing that there would be conflict with the aforementioned policies as a result of the scheme. However, the dormer and balcony are at the front and overlooking the road, and from all that I have seen and read I can find no persuasive evidence that the proposed alterations and extensions would be harmful to neighbours' living conditions. That said, my favourable conclusion on this issue, does not outweigh the harm I have identified on the first issue.
11. Reference has also been made to the appellant's medical condition in support of the accommodation. I acknowledge the appellant's link between his health and

the alteration to the dwelling, but I nonetheless conclude that this would not outweigh the harm caused, as explained in my conclusion on the first issue. And as I have already explained, this harm is a result of poor design and inappropriate height rather than individuality of appearance which is the norm rather than an exception in Chorley Avenue. Moreover, the officer's report refers to alternative proposals suggested in discussions on the application that would achieve similar advantages and may be acceptable.

12. I have carefully considered all the other matters raised in the grounds of appeal but for the reasons explained the appeal is dismissed.

Martin Andrews

INSPECTOR