

Appeal Decision

Site visit made on 30 June 2022

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29TH July 2022

Appeal Ref: APP/Q1445/D/22/3295387

40 Bodiam Avenue, Brighton, BN2 4LQ

- 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 & Mrs Scrivener against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/04175, dated 24 November 2021, was refused by notice dated 20 January 2022.
 - The development proposed is the erection of 2 storey side extension to form an annex and part two and part single storey rear extension with associated alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 2 storey side extension to form an annex and part two and part single storey rear extension with associated alterations at 40 Bodiam Avenue, Brighton, BN2 4LQ in accordance with the terms of the application, Ref BH2021/04175, dated 24 November 2021, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 3. The development hereby permitted shall be carried out in accordance with the following approved plan: 1901 02B.

Preliminary Matter

2. I use the Council's description of development which is more precise than the application form; I note the Appellants also use this on the appeal form.

Main Issue

3. The main issue is the effect of the proposal on living conditions for neighbours.

Reasons

4. The appeal property is a semi-detached property on the east side of Bodiam Avenue, a suburban area of the city. The properties on this substantial estate are residential and generally semi-detached in this area, with front and usually good-sized rear gardens. The appeal dwelling has a steeply rising rear garden up to open fields beyond. The dwellings were originally built with appreciable side to side separation but this is now beginning to wane as a characteristic
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with the introduction of a number of two storey side extensions. The proposal is as described above.

Living conditions

5. The Council expresses the concern that given the new build's depth, height and close proximity to the adjacent properties there would be an overbearing and dominant outcome with a sense of enclosure and loss of outlook to neighbours.
6. There is an unusual relationship with the adjoining semi (No 38) because of ground levels, double walling in parts and an outbuilding in this neighbouring home a little way into the garden with a higher base. The pertinent main window of this home is set well in from the boundary. The orientation is to the south of the planned extension. All these factors combine in my opinion to mean that there would not be an undue loss of residential amenity here from either the single or the two storey elements.
7. Turning to the other side, there is a substantial gap within the plot of No 42 before the start of the main two storey part of the property. Garden length is considerable, outlook is appreciable in extent. Levels are broadly comparable. The orientation would lead to some additional shadowing but not excessively so. The new side wall would be a little off the shared side boundary and the further slight set-in from this for the planned two storey rearwards projection, along with its roof sloping away and dropped from the main ridge as well as being hipped, would reduce actual and perceived bulk. In all the circumstances in my opinion the neighbours on this side would not suffer from being overly hemmed-in and they would continue to enjoy good quality living conditions.
8. Brighton and Hove Local Plan Saved Policies QD14 and QD27 and Brighton and Hove City Plan Part 2 Policy DM20 are relevant. Taken together and amongst other matters they seek to protect the amenities of neighbours. Given the foregoing I would conclude that the appeal scheme would not run contrary to these policies.

Conditions

9. The Council suggests the standard commencement condition along with the requirement for materials to match the existing building. I would agree with the latter in the interests of visual amenity. I also agree that there should be a condition that works are to be carried out in accordance with listed, approved, plan; to provide certainty.

Overall conclusion

10. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on living conditions for neighbours. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR