



Appeal Decision

Site visit made on 4 August 2022

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/Q1445/D/22/3301076 6 Avondale Road, Hove, BN3 6ER

- 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 Brian and Jenny Kreel against the decision of Brighton & Hove City Council.
 - The application Ref BH2022/00170, dated 21 January 2022, was refused by notice dated 31 March 2022.
 - The development proposed is the erection of dormer to rear roof slope and outrigger, 1no rooflight to front slope, revised fenestration to side and rear elevation with associated alterations.
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Decision

1. The appeal is dismissed.

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 Issues

3. The main issues are the effect of the proposal on a) the character and appearance of the host property and the locality and b) living conditions for neighbours.

Reasons

Character and appearance

1. The appeal property is a two-storey end of terrace home with a substantial rear box dormer and a two storey flat roofed outrigger. There are many similar dwellings in the locality albeit the property alongside (No 8) is of different design and period and is on an appreciably set back front building line. The area is of established residential character and generally pleasing appearance. The proposal is as described above.
 2. In visual terms the existing arrangement to the rear of the appeal property is not ideal with the somewhat bulky predominant box dormer but a) it mirrors others found locally and b) it is on the main roof slope and not
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sitting on the outrigger. The planned new projection, effectively adding a dormer to the existing dormer, would not accord with a) or b). The scheme would represent ungainly development, making the upper level top heavy, and awkward in design terms. To my eye this would be a step too far. The top-heavy final structure would lack aesthetic quality in its own right and stand out in the vicinity as an alien and uncomfortable visual form amongst other more subtle arrangements. I recognise that views of the scheme would be limited though many households would see the development and visibility would be clear looking south along Avondale Road, largely due to the stepped building line. Indeed, that stepping of No 8 alongside the planned works would make for a very awkward scene with an upper level gap being replaced by built development jarring on the eye. In my assessment the appeal proposal would represent poor quality design.

4. Policies QD14 of the Brighton and Hove Local Plan (LP), CP12 of the City Plan Part One (CP1) and DM21 of the City Plan Part 2 (CP2) are relevant. Taken together and amongst other matters, these policies seek well designed and suitably scaled development that should protect the character and visual quality of buildings and the local distinctiveness of their wider area and generally have architectural merit. This is reflected in the advice and objectives of the Council's SPD12 Design Guide for Extensions and Alterations publication albeit that document is guidance and cannot be expected to cover every eventuality. Given the nature of the planned rear dormer I conclude that the proposal would conflict with the relevant development plan policies and the pertinent aims of the SPD.

Living conditions

5. The Council, and some neighbours, are concerned that the proposed rear dormer extension would have an unacceptable impact through loss of light and outlook, and increased actual and perceived overlooking. Given orientation, distance from boundary, size and location of existing built structures, and relative position of neighbouring glazing and its purposing I am not persuaded on the loss of light and outlook points. Furthermore, as the planned dormer is for a bathroom, obscure glazing could prevent overlooking. I do find from time to time that perceived overlooking can be a determining problem. However, in this instance, given a window is to be replaced, the length of the outrigger without any planned development, the arrangement of gardens locally, and the angles of visibility for the new structure, and the degree of actual overlooking already taking place in this urban area, I would not put a perception of overlooking in the category of determining factors towards any refusal of planning permission.
6. LP Saved Policy QD27 and CP2 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.

Other matters

7. I do understand the Appellants' wish improve and increase accommodation; I can see how the planned bathroom would be a good asset to help meet

changing family needs. I do note that the Appellants have sought to overcome concerns by amending plans during the determination process. I have carefully considered all the points raised by the Appellants but these matters do not outweigh the concerns which I have in relation to one of the main issues identified above.

8. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policies which I cite mirror relevant objectives within that document.

Overall conclusion

9. For the reasons given above I conclude that whilst the appeal proposal would not have unacceptable effects on living conditions for neighbours there would be an undue negative impact upon the character and appearance of the host property and the locality. Accordingly, the appeal is dismissed.

D Cramond
INSPECTOR