



Appeal Decision

Site visit made on 29 November 2022

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th December 2022

Appeal Ref: APP/Q1445/D/22/3307628
11A Pankhurst Avenue, Brighton BN2 9YP

- 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 Francois Craig, against the decision of Brighton and Hove City Council.
 - The application Ref BH2022/01790, dated 30 May 2022, was refused by notice dated 26 July 2022.
 - The development proposed is a rear roof dormer extension with raised ridge and associated works.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. The Council adopted the Brighton and Hove City Plan Part Two (CPP2) in October 2022. This replaced Policies QD14 and QD27 of the Brighton and Hove Local Plan, which were included in the Council's reasons for refusal. The main parties were given the opportunity to comment on the relevant policies in the CPP2, Policies DM20 and DM21. I have taken comments received into account in my decision and give full weight to these policies.

Main issues

3. The main issues in this appeal are:
 - The effect on the character and appearance of the host dwelling, terrace and locality.
 - The effect on the living conditions of the occupiers of adjacent dwellings, with particular regard to overlooking and whether the development would appear overbearing.

Reasons

Character and appearance

4. The appeal concerns a property located at the southern end of a terrace of three dwellings. It is in a backland position to the rear of properties that front onto Pankhurst Avenue. The host dwelling has a ground floor and lower ground floor. When seen from the access road to the east, the terrace is single storey in height. At the back there are two floors visible with patio doors to the living room and an upper floor kitchen window. The latter opening is set back

- with the main roof sloping down to the side of it next to the attached property. There is a flat roof single storey rear projection that extends across the terrace.
5. In the vicinity in Pankhurst Avenue and in the street to the north properties tend to be two storey semi-detached or terraced. These are characterised by having hipped roofs, which give a pleasant sense of balance and rhythm to the built environment of the locality. Rather than being especially varied, the surrounding area exhibits a significant degree of consistency in this regard.
 6. The host terrace reflects this, having a noticeably symmetrical and balanced appearance. This is a result of factors such as the fully hipped ends of the main roof of the overall building and its consistent ridge line. This characteristic is found both at the front and rear despite the cut away roof design at the back. The proposed development would include raising the ridge height of the main roof. At the back a roof addition would be built, creating an additional floor of accommodation with the side wall being extended upwards. This part would have a fairly minimal roof slope to the side.
 7. Given the appearance of the terrace, the increase in ridge height of 0.46m at 11A would be sufficient to result in the balance and cohesion of the overall building being unacceptably disrupted. The significant bulk and largely gable ended form of the enlargement would severely exacerbate this adverse effect, unduly contrasting with the full hip at the other end of the terrace. At the rear the proposed dormer addition would have its roof extending across the full width of the dwelling with its face being only modestly narrower. The top would be as high as the raised ridge.
 8. Due to these factors, the development would be unacceptably bulky and dominant. The appearance would be created of an additional floor, further unbalancing the terrace and giving the host dwelling an unduly top-heavy character. The relatively large upper floor window would further add to the impact and highlight the detrimental effect. Rather than being suitably integrated and giving a cohesive design, the development would form an incongruous part of the host dwelling, terrace and locality. It would be unduly at odds with the general rhythm of hipped roof development in the vicinity.
 9. The Appellant points out that the development would not be visible from the street in Pankhurst Avenue. However, any suggestion that acceptability should be conferred on the basis of restricted views seems to me to represent an implicit acknowledgement of the unacceptable nature of the development. Furthermore, the adverse effects would be readily apparent from adjacent dwellings and gardens.
 10. The site is located behind a fairly modern terrace of properties at 9A – 9F Pankhurst Avenue where the roofs are stepped in height. However, the overall building has full hips at both ends that give a balanced appearance despite the stepping, which appropriately reflects changing ground levels anyway. The asymmetrical appearance of the host terrace resulting from the current proposal would abruptly contrast with the balanced nature of the adjacent terrace, which therefore lends no support to the appeal.
 11. Reference has been made to other developments that include rear dormer additions at the back of properties fronting onto Pankhurst Avenue at nos. 5 and 9C. The latter is relatively modest in size with reasonable space around it on the host roof. The development at no. 5 is a fairly large and bulky rear

dormer addition. However, this is a somewhat unusual and isolated example of such an enlargement in the immediate vicinity.

12. The cases concerning 9 Down Terrace and 12 Southover Street are more distant, they are not readily visible from the appeal site and do not form part of the context against which I have considered the effect of the current proposal. In any event, I do not have the full details and background to any of these cases to allow a meaningful comparison with the current scheme. In the above circumstances, such examples should not be used as a precedent for a proposal that would erode the quality of the environment.
13. For the above reasons, I conclude that the proposal would harm the character and appearance of the host dwelling, terrace and locality. There would be conflict with CPP2 Policy DM21. This intends that extensions and alterations should be well designed, scaled and sited in relation to the property to be extended, adjoining properties and the surrounding area.

Living conditions

14. The rear elevation and back garden of the terraced dwelling at 9D Pankhurst Avenue face directly towards the side elevation of the host dwelling. The development would result in the existing side wall being extended upwards to accommodate the additional floor, significantly increasing the height and extent of this vertically rising feature. At present the existing hip end slopes down to the side and appreciably limits the perceived bulk. Largely because of this, there would be an unduly adverse visual impact, with the increased ridge height adding to it.
15. The effect would be significantly exacerbated by the neighbouring property having a fairly short rear garden, separated from the development by a relatively narrow pedestrian access. In consequence, the development would lead to appreciable additional bulk and visual intrusion in unacceptably close proximity to the immediately adjacent dwelling, giving rise to an oppressive and unneighbourly sense of enclosure. As a result, the enlarged dwelling would appear overbearing at this property in particular.
16. The upper floor window at the back of the roof addition would be broadly at a right angle to the rear garden boundaries of dwellings that front onto Pankhurst Avenue. However, this opening would be relatively large and elevated, significantly increasing the potential for overlooking despite the angled views. It would also be fairly close to the ends of the adjacent gardens. Because of the fairly short amenity spaces and unduly close distance, unacceptably intrusive overlooking of gardens, especially at 9A and 9B would occur.
17. The rear dormer addition at 9C has a fairly small window so that the scope for overlooking is noticeably less than that which would arise in this instance. Existing overlooking in the vicinity tends to be at an appreciably greater distance or concern appreciably smaller windows than would arise in this instance. Therefore, the urban context would not justify accepting this adverse relationship.
18. The roof addition would not be alongside the adjacent upper floor recessed area at the immediately attached dwelling but further back, higher up the roof. Given this relationship I am satisfied that there would be no unacceptably detrimental effect on this space. I also see no reason to disagree with the view

of the Council that there would be no undue impact in relation to matters such as overshadowing and daylight in relation to any nearby dwelling.

19. Nevertheless, for the above reasons it is concluded that the living conditions of the occupiers of nearby dwellings in Pankhurst Avenue would be harmed. Due to this there would be conflict with CPP2 Policy DM20, which seeks to prevent unacceptable loss of amenity to existing occupiers.

Other considerations

20. The Appellant suggests that the proposal would satisfy the economic, social and environmental objectives of sustainable development set out in the National Planning Policy Framework (The Framework). I note that it is stated in the Framework that these are not criteria against which every decision can or should be judged. Moreover, because of the harm that I have found there would be clear conflict with the environmental objective.
21. Nevertheless, the reasons given by the Appellant include generating employment in the local economy from construction and benefits for services, suppliers, local shops and facilities, being near to local amenities and transport in an accessible location, providing better accommodation and adding to the housing mix. Construction waste would be minimised with building materials sourced locally where possible.
22. It is also suggested that the enlarged dwelling would allow home working, as well as making more efficient use of the site. However, given the fairly modest scale of the development, comprising a domestic extension to an existing dwelling, the extent of any benefits arising from the above matters would, on the whole, tend to be fairly limited.
23. The absence of harm in relation to matters such as biodiversity and trees cannot weigh positively in favour of the appeal. The harm I have found would occur despite there being no loss of amenity space at the appeal site. Among other things, it is also indicated that the development would incorporate solar panels, modern water and energy saving measures and increase energy efficiency. However, there is no technical evidence to quantify the effect of any of these.
24. Reference is made to the presumption in favour of sustainable development set out in Paragraph 11 of the Framework. However, this is a case where there are relevant development plan policies that are not out of date. As a result of this and because of the conflict with the development plan, the appeal scheme cannot benefit from the presumption in favour of sustainable development set out in the Framework. I have also considered the National Design Guide which is referred to by the Appellant but this does not alter my view.

Conclusion

25. In this instance relatively limited weight is accorded to the above considerations. It is concluded that these are significantly outweighed by the harm that would arise in relation to the fundamental planning considerations of character and appearance and living conditions. Taking account of all other matters raised, it is therefore determined that the appeal fails. In reaching this decision I have carefully considered the photo appendix submitted by the Appellant.

M Evans

INSPECTOR