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The Planning Inspectorate

Appeal Decision

Site visit made on 16 January 2023

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 22nd February 2023

Appeal Ref: APP/Q1445/D/22/3312299
89 West Way, Hove, BN3 8LP

- 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 Shaji Philip against the decision of Brighton & Hove City Council.
- The application Ref BH2022/01837, dated 6 June 2022, was refused by notice dated 11 October 2022.
- The development proposed is described as 'rear extension and loft conversion'.

Procedural matters

1. The application form submitted to the Council described the description of development as set out above. I consider the description on the Council's Decision Notice more accurate so have determined the appeal on that basis, namely erection of a single storey rear extension and roof alterations incorporating rear hip to gable roof extension, side dormers, rear Juliet balcony and associated works.

2. The application submitted to the Council sought planning permission for the works, which had been completed at the time of the application. The Council have drawn attention to differences in the submitted plans and the development that has been undertaken, namely differences in the fenestration and proportions of the dormer. I have determined this appeal on the basis of the submitted plans, since those were the plans considered by the Council and by third parties during consultation.

Decision

3. The appeal is allowed and planning permission is granted for erection of a single storey rear extension and roof alterations incorporating rear hip to gable roof extension, side dormers, rear Juliet balcony and associated works at 89 West Way, Hove, BN3 8LP in accordance with the terms of the application ref BH2022/01837, dated 6 June 2022, 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 plans: 01, 03, 04, unnumbered proposed

ground floor and first floor plan, unnumbered roof plan, site location plan, block plan.

Main issues

4. The main issues in this appeal are the effect of the proposed development on, firstly, the character and appearance of the surrounding residential area and, secondly, living conditions of adjoining occupiers.

Reasons

Character and appearance

5. The appeal property is a bungalow situated on a corner site at the junction of West Way and Hangleton Way. Bungalows adjoin either side, with 89 West Way sitting slightly forward in the building line due to the curve of properties as they turn the corner. There are bungalows and two storey houses in the wider area.

6. The landform in the area slopes, meaning that No. 89 and its neighbours sit in a slightly elevated position from the road to the west, though the prominence of the site in the wider area is mitigated to a degree due to the setback from the road and a large greenspace in front of the bungalow. Nevertheless, there are views along the roads towards the appeal property and the dormers the subject of this appeal. Those dormers fill most of the side roofslope and have changed the original form and appearance of the property and the roof, but the form of the bungalow remains; they do not over-dominate the building.

7. I saw at my site visit there are a number of other properties in the vicinity that have side dormers. Whilst those are smaller and do not come so far forward as the dormers at No. 89, I consider that matter to have little difference in their effect on the character of their host properties and the wider area: they are clearly visible and have changed the original form and appearance of the subject properties and their roof. With many views towards those roofs, they are therefore create a character to the area where there are bungalows with side dormers. I concur with the appellant that the changes at No. 89 thus integrate into the context of the site. Those dormers at many other properties have not diminished the overall quality of the residential area, which remains one where modest properties front the road with a consistent pattern of housing, and there remains an appearance of brick buildings with pitched, tile roofs.

8. The works at the rear of the property see the creation of a gable end, and a single storey rear extension. These works do not impact upon the character of the wider area due to their very limited visibility.

9. On the first main issue it is concluded that the works are suitable for the host property, being of a design, scale and position suitable for the building, with the extended building sitting comfortably within the character of the wider area. The appeal therefore satisfies the requirements of Policy DM21 of the Brighton & Hove City Plan Part Two, which requires extension and alterations to existing buildings to be well designed, scaled, sited and detailed in relation to the property to be extended and to the surrounding area.

Living conditions

10. The single storey rear extension and change to a gable end at the rear of the property do not project to a degree that leads to an imposition on the outlook from neighbouring properties, or leads to a material loss of light. The side windows to the dormer are positioned relative to adjoining properties to avoid direct overlooking. The rear-facing window at first floor is shown in the drawings as having a Juliet balcony, to prevent access to the flat roof, which itself is not show to be used as a terrace since it is not enclosed.

11. On the second main issue it is concluded the works are not harmful to the living conditions of existing occupiers, and hence there is no conflict with Policy DM20 of the Brighton & Hove City Plan Part Two which states that permission for development will only be granted where it would not cause unacceptable loss of amenity to existing residents and occupiers.

Conclusion

12. For the reasons given the works accord with the development plan, and so planning permission is granted. Although development has been undertaken, as noted earlier there are some differences in the submitted plans and so it is appropriate to attach the Council's suggested conditions requiring matching materials, to ensure a satisfactory appearance to the development, and a condition specifying the approved plans both in the interest of precision.

C J Leigh

INSPECTOR