



Appeal Decision

Site visit made on 9 August 2023

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th August 2023

Appeal Ref: APP/Q1445/D/23/3322275

132 Saltdean Vale, Saltdean, Brighton and Hove, Brighton, BN2 8HF

- 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 Sam Kelly against the decision of Brighton and Hove City Council.
 - The application Ref BH2023/00251 dated 25 January 2023, was refused by notice dated 30 March 2023.
 - The development proposed is remodelling of existing bungalow incorporating front, side extension, new roof with front and rear windows, side dormer, side rooflights, lowering raised garden to rear and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. The appellant has submitted further plans and information with their appeal submission including 3D visualisations and proposed sections. Such documents do not seek to evolve the scheme, but rather serve to assist the appellant present their case, so I have taken these into account as doing so would not prejudice any interested parties or the Council.

Main Issues

4. The main issues are the impact of the proposal upon i) the street scene and character of the area, ii) the residential amenity of neighbouring occupiers with regard to sense of enclosure and overshadowing and iii) the residential amenity of future occupiers of the proposal.

Reasons

Streetscene and character of the area

5. The appeal site is a single storey dwelling with a pitched roof and, to the rear, the private amenity space is raised and accessed via steps. The neighbouring properties, either side, benefit from similar garden arrangements in that there is a small passageway around the property itself with a raised amenity space. At the time of my site visit, I noted that properties in the area are mainly semi-detached and detached bungalows and, whilst some of them have evidently had some alterations, they are generally of a similar architectural style with red

or brown tiled pitched roofs and brick or rendered elevations. The single storey elements/garages to the side of properties within the streetscene do contribute to an overall sense of space between the overall ridge heights and main bulk of the dwellings in that maximum heights are not full plot width. Overall, I find that the bungalows along Saltdean Vale are of modest, traditional, character and appearance with a consistent design and material palette.

6. The proposal seeks permission for remodelling of the host dwelling to create accommodation at first floor level as well as side and rear extensions and revised fenestration. The proposal would remodel the host dwelling from a 3-bed bungalow into a 5-bed property across two floors. The proposed design would add substantial extensions and would increase bulk, scale and massing which would result in an overly dominant and cramped proposal which I find would appear incongruous when viewed within the rest of the street scene as a result of increased development filling the full plot width as well as coming forward over the existing footprint of the host dwelling.
7. Whilst the existing and proposed footprint at ground level is noted to be similar, and the highest part of the ridge would be increased by around 225mm, this would be more of an increase at the point of the side extension as noted in the appellant's submission. I find that the highest part of the existing roof is currently set back from the front elevation of the property which results in a more modest overall height and massing to the front of the existing dwelling. The proposal, whilst a limited increase in ridge height overall, would bring this existing/slightly raised ridge height forward resulting in increased bulk, scale and massing to the front and side of the dwelling at greater depth.
8. I find that bringing height and massing forward as part of the proposed roof alterations would result in a strong contrast to properties within the streetscene, particularly those either side of the appeal site, resulting in a stark contrast and large bulk of development as a result of front and rear gables and the side extension. The currently proposed materials, not characteristic along Saltdean Vale, would add to the overall impact and contrast as a result of the proposal. Had I found the proposal acceptable in terms of bulk, scale and massing a condition could have been applied to source more suitable materials.
9. I have had regard for the street view visualisations which have been submitted, however, these do not alleviate my concerns and I find that they demonstrate that the proposed contemporary design would be too strong a contrast within the street scene taking into account both the character and appearance of existing dwellings on Saltdean Vale. I do not find that all new developments should match their neighbours entirely and agree that new development should complement neighbouring properties, however, whilst there may be a scope for more contemporary design cues, this does not override the need to take into account the character and appearance of the existing dwelling(s) and does not justify or support an entirely contrasting design.
10. The proposal would result in a property which would appear incongruous within the streetscene which would be harmful to the characteristics of the area. The proposal is contrary to Brighton and Hove City Plan Part 1 2016 Policy CP12 which requires that new development respects the diverse character and urban grain of the city's identified neighbourhoods, Brighton and Hove City Plan Part 2 2022 (LP2) Policy DM18 which expects proposals to consider local context, scale and shape of buildings and building materials and architectural detailing

and LP2 Policy DM21 which requires that extensions and alterations are well designed and scaled, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area as well as taking account of the existing character of the area.

11. The Council's first refusal reason also cites conflict with supplementary planning documents SPD12 and SPD17, however, whilst I understand these documents relate to design guides for extension and alterations and the urban design framework, no copies of this guidance have been submitted as part of this appeal to allow me to take them into account. Even if these documents had been submitted, they are, ultimately, guidance and would not override the policy conflict I have identified with the starting point for determination being the Local Plan itself.

The Residential Amenity of Neighbouring Occupiers

12. At the time of my site visit, I stood in the rear garden of the appeal site and noted from this that there is limited space between the appeal proposal and the side boundaries. Whilst the overall height of the proposal would be similar (within 225mm) to the existing ridge height to the rear of the dwelling this would be maintained for the full footprint of the proposal squaring up the existing rear roof pitch. Overall, the increased massing at roof height I find would impact upon the residential amenity of no.130, to the south, as a result of overbearingness or overshadowing. I note that the outdoor amenity space at no. 130 is also on a raised platform, but I do not find this would assist in mitigating the perceived impact of the proposal.
13. The proposal would substantially increase the built form along the boundary with no. 134 to the north. It is acknowledged that no. 134 has a garage which would be adjacent to the appeal proposal, however, I find that the introduction of notably higher built form in close proximity, and immediately onto, the boundary with this property for a notable depth would result in a blank wall facing the property which would result in an overbearing and oppressive impact upon amenity which I do not find is mitigated by the acknowledgment that the main amenity space is also raised to the rear of this property.
14. A lack of objection to proposals is a neutral consideration. Overall, I find that the proposal would result in un-neighbourly development due to a sense of enclosure and potential overshadowing as a result of siting additional height and massing in close proximity to, and on, shared boundaries. The proposal would be contrary to LP2 Policy DM20 which does not support planning permission where it would cause unacceptable loss of amenity to existing and/or adjacent users.

Residential Amenity of Future Occupiers

15. The appellant has submitted sections under drawing number PL2202-05. The sections demonstrate average heights in the region of 2250mm, however, from the limited sections which have been submitted, I still have concern regarding effective overall circulation space available. This is due to the limited information relating to the overall floor space actually available at the average height that has been noted on the sections. In any case, even if I had found the proposal to be able to demonstrate that the standard of accommodation provided for bedrooms at first floor level was acceptable in terms of ceiling heights, headroom and amount of usable floor space for future residents, the

proposal would still have failed at appeal for the first two reasons outlined within this decision letter.

16. The sections submitted simply demonstrate headroom at a single point point and I do not find this necessarily takes into account, or demonstrates, overall usable floor space in relation to the height stated taking into account the reducing ceiling height as a result of roof design. Based upon the evidence before me, the proposal would be contrary to LP2 Policy DM1 which requires that extensions will be expected to meet Nationally Described Space Standards and LP2 Policy DM20, which seeks to avoid unacceptable loss of amenity to existing occupiers.

Other Matters

17. In isolation I would consider design of the proposal to be an attractive one, however, design needs to be appropriate for the setting and siting within which they are proposed to be located. In this case, for the reasons outlined above, I find the overall bulk, scale, massing and design to be inappropriate for the host dwelling and its setting within the streetscene. I note that the appellant has stated that alternative materials can be considered, and I note that a condition could have applied to materials if this had been a sole issue but matters such as changes to design and window sizes should not realistically be dealt with by condition. In this case changes to fenestration or design would be best dealt with through re-engagement with the Council in a revised application.
18. I acknowledge that the appeal site is the home of the appellants and their family, that there is a requirement to increase space available and that this is not a financially led development. Whilst comments regarding financial reach of the appellants are noted, this does not overcome the harm identified within the main issues above. Improving and maximising use of existing stock is noted to be a more cost effective and low impact to solution to the provision housing and improvements to the energy performance of the appeal site would, of course, also be of benefit. The improvement and maximisation of existing dwellings is a contributing factor to sustainable development; however, this is not at the expense of appropriate design for the host dwelling, streetscene, character or the area nor should it be to the detriment of adjacent occupiers as a result of overall bulk scale and massing in close proximity/on shared boundaries.

Conclusion

19. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR