

Appeal Decision

Site visit made on 11 October 2023

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2023

Appeal Ref: APP/Q1445/W/23/3315335

Rottingdean Bowls Clubhouse, 3 Falmer Road, Rottingdean, Brighton BN2 7DY

- 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 Rottingdean Bowling Club against the decision of Brighton & Hove City Council.
 - The application Ref BH2022/02786, dated 27 August 2022, was refused by notice dated 11 November 2022.
 - The development proposed is refurbishment of the existing clubhouse and associated works including renewal of the existing changing rooms and sanitary facilities.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Rottingdean Bowling Club against Brighton and Hove City Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council has stated that, since the determination of the planning application, the emerging *Rottingdean Neighbourhood Plan* (the NP) has reached examination stage. The Council has not referred to any specific NP policies in its reasons for refusal or appeal statement. With this in mind, and having regard to the stage of preparation that the NP has reached, I am satisfied that the development plan policies referred to in the Council's reason for refusal remain the most relevant policies for the determination of the appeal.
4. Since the submission of the appeal, the Council has granted planning permission¹ for an amended scheme for the refurbishment of the clubhouse, replacement of the existing changing rooms and toilets and the erection of a new storage building. The approved development incorporates a lower height roof to the proposed changing room extension, with a simpler and shallower hipped roof form.

¹ LPA Ref BH2023/00157

5. Subsequently, the Council refused² to vary/delete various conditions attached to that permission in respect of matters relating to sound proofing measures, hours of use, cycle parking provision, tree protection measures and window details.
6. Were I minded to allow the current appeal, my decision would have included a determination of which conditions, if any, should be attached to the permission. However, given that the appeal is dismissed, I have had regard to the planning appeals procedural guidance³ (Section 16). This confirms that, if an appeal is made, the appeal process should not be used to evolve a scheme, and that it is important that what is considered by the Inspector is essentially what was considered by the local planning authority and by interested parties at the application stage.
7. Accordingly, and having regard to the Wheatcroft Principles⁴, I have determined the appeal on the basis of the development that was refused by the council. As such, noting the appellant's request to do so, I have not considered the merits or otherwise of the subsequently approved scheme and the conditions that should be attached thereto.

Main Issue

8. The main issue is the effect of the proposal on the living conditions of the occupiers of residential properties in Challoners Mews, with particular regard to outlook impacts.

Reasons

9. The appeal site is located on the west side of Falmer Road, behind, and at a lower ground level than, a grassed area of public open space known as The Green. There is footpath access from The Green to the bowling green. The existing bowling club buildings are clustered around the southeast corner of the site, and include a single storey pitched roof clubhouse pavilion. This has an attached former cart lodge, which lies outside the appeal site and is used as a public shelter next to The Green.
10. Detached from, and positioned perpendicularly to, the clubhouse is a much more recent flat-roofed and weatherboarded single storey structure used as changing rooms and a store. There is also a small single storey toilet block which is detached from the changing rooms and joined to the neighbouring building to the south.
11. The proposal would replace the existing changing rooms and toilets with a new single storey pitched roof extension to the clubhouse pavilion. This would provide replacement and improved changing and sanitary facilities, alongside the repair and refurbishment of the clubhouse.
12. The appeal site is surrounded, within close proximity, by residential properties to the north, west and south. These include an L-shaped group of dwellings in Challoners Mews to the south of the site, whose northern-most wall abuts the appeal site. These dwellings, together with the adjacent bowls club pavilion,

² LPA S73 application Ref BH2023/01992

³ Procedural Guide. Planning Appeals – England. The Planning Inspectorate (5 October 2023)

⁴ Wheatcroft (Bernard) Ltd v Secretary of State for the Environment (1982) JLP 37

- comprise converted former agricultural buildings, which have a close historic connection.
13. The adjacent mews dwellings have been created through the conversion of a single storey pitched roof former farm building. They have living accommodation on the ground and first floors, into which windows and doors have been inserted. The fenestration includes numerous dormer windows and roof lights within the front and rear slopes of the roof. As such, I find that the first floor element of the living accommodation comprises a significant part of the residential conversion of the building.
 14. Nos. 1, 2 and 3 Challoners Mews are the dwellings which abut the appeal site and are most affected by the proposed development. No.3 has a side gable ended wall containing small secondary windows facing the appeal site, with its main front and rear elevation windows facing east and west. As such, I find that it would not be significantly affected by the appeal scheme.
 15. However, the main rear elevation of Nos. 1 and 2 would directly face the proposed replacement structure. These dwellings share a steeply pitched roof form which includes a number of windows serving the first floor of both dwellings, including 2 dormers and 5 low-height roof lights for each dwelling, together with several high-level roof lights across the rear roof slope as a whole.
 16. The existing changing room structure is of a low, single storey, flat-roofed form which is wholly subsidiary in height and scale to the adjacent pitched roof mews building, and is separated from it by a pathway running between the two buildings. Its height and position in relation to the neighbouring building is such that, whilst extending by a modest measure above the height of the bottom of the neighbouring low-level rooflights, it does not have a significant impact on the outlook from the rear elevation windows of Nos. 1 and 2 Challoners Mews.
 17. The proposed replacement extension would introduce a notably more bulky roof form within close proximity to the neighbouring houses. Having a ridge height approximately 2m higher than that of the building to be replaced, the new pitched roof would extend to a height greater than the top of all of the upper floor windows of Nos. 1 and 2, including the largest openings of the dormer windows. Moreover, it would extend the width of building in front of No.1 by linking the new structure to the clubhouse building, thereby filling in the existing gap.
 18. Due to its combined height, width, scale and proximity to the adjacent neighbouring residential properties, which have a lower ground level than that of the appeal site, the proposed changing room extension would create an overbearing, oppressive and enclosing impact on the outlook from the first floor rear elevation windows of Nos. 1 and 2 Challoners Mews, which would look out towards the roof of the proposal. This would result in an unduly harmful impact on the living conditions of the residents of these properties.
 19. I do not find that this harm would be significantly diminished by the fact that these properties also enjoy an outlook from principal first floor windows located on their front elevation. Whilst single aspect properties can be more sensitive to outlook impacts, it is not unreasonable to expect to enjoy a satisfactory outlook from both the front and the rear of dwellings. Moreover, in this instance, the long terraced nature of this part of the mews building reduces the

potential for side-facing windows to Nos. 1 and 2, thereby increasing the importance of the outlook from windows in the rear elevation, having regard to the living conditions of the occupants.

20. Notwithstanding that some windows on the rear elevation may serve secondary rooms, I find the number of windows at first floor level on the rear elevation of these two properties to be an indication of the significance of the roof level accommodation within the overall living space, and I have taken account that the outlook from all of the rear first floor windows would be affected by the proposal.
21. My findings in respect of this matter are not altered by the fact that the bowling club use preceded the residential occupation of Challoners Mews. Neither am I persuaded otherwise by the appellant's statement that some of the affected windows at Challoners Mews do not accord with Building Regulations in respect of providing emergency means of escape.
22. For the above reasons, I therefore conclude that the proposal would materially harm the living conditions of the occupiers of residential properties at Nos. 1 and 2 Challoners Mews, with particular regard to outlook impacts. As such, the proposal would be contrary to Policies DM20 and DM21 of the *Brighton and Hove City Plan Part Two* (October 2022). These policies, amongst other things, seek to ensure that new development would not cause unacceptable loss of amenity to, inter alia, adjacent or nearby residents, and that extensions to existing buildings are, inter alia, well sited and detailed in relation to adjoining properties.
23. This is generally consistent with the Policies of the *National Planning Policy Framework 2023* which seek to ensure that developments will function well and promote a high standard of amenity, health and well-being for existing and future users (Paragraph 130).

Other Matters

24. The site lies within the Rottingdean Conservation Area (the RCA). Under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act), I am, as the decision maker, required to consider the effects of the development on this designated heritage asset. In so doing, I have taken account that the clubhouse pavilion, adjoining public shelter and adjacent houses at Challoners Mews are locally listed heritage assets within the RCA.
25. The appeal site lies within 'The Farms' character area as set out in the Council's *Conservation Area Character Statement*. The significance of this part of the RCA derives from its agricultural history, whereby most of the buildings are former farm buildings which have been converted, predominantly into housing, following the decline of agricultural activity in the early 20th century.
26. This has resulted in an existing informal pattern of built development, where the rural origins of buildings are still evident in their external appearance, and where there are a variety of building sizes, styles and layouts. Green undeveloped spaces punctuate the built development, giving the area a spacious rural character.
27. The proposed changing room extension to the clubhouse would be clearly subservient in height and scale to the host building and its clay hipped roof design and long rectangular building form would be in keeping with the

prevailing converted farm buildings. Moreover, the proposed design, including front feature windows at roof level, would result in an enhancement over the design of the existing flat-roofed structure when viewed within the immediate context of the bowling green.

28. Whilst obscuring a large part of the rear roof slope of Challoners Mews when viewed from within the site and, to some extent in public views from further afield in Falmer Road, this would not be unduly harmful to the setting of this building due to the proposed roof materials and hipped roof form of the appeal scheme which would be in keeping with the prevailing roofscape, including that of the adjacent locally listed structures.
29. The proposed alterations to the locally listed clubhouse would retain the existing character of the building and would not impact upon the most important public view of the clubhouse and former cart lodge from Falmer Road. The minor loss of part of the characteristic flintwork of the building to install a new window in the west, inwards-facing wall of the building would not be unduly harmful subject to a complementary and high-quality replacement window design.
30. The proposed store building, due to a combination of its small footprint, unobtrusive position in the northwest corner of the site and appropriate clay-tiled hipped roof and timber-framed and boarded design, would not be unduly out of keeping with the prevailing pattern of built development nor visually intrusive in key public views from Falmer Road across the appeal site towards Beacon Hill and a Grade II listed windmill on the ridge line thereof.
31. In the light of the above, and on the basis of the information before me and my site visit, I have no reason to disagree with the Council in raising no objection to the proposal in respect of its impact upon the character and appearance of the RCA.
32. The appellant has referred to the Council's procedures during the course of the determination of the planning application. These matters are not for consideration as part of this appeal decision, which I have determined based upon the merits of the appeal scheme before me.

Planning Balance and Conclusion

33. There would be benefits arising from the proposal, including enhanced community facilities, inclusion of sustainable elements of building design and thermal efficiency, and accessibility improvements. However, these benefits do not justify the harm I have identified in respect of the main issue. Moreover, they are capable of being provided within the subsequently permitted amended scheme⁵ without materially harming neighbouring living conditions.
34. Notwithstanding a lack of demonstrable harm to the character and appearance of the area and heritage assets, and neighbouring living conditions in respect of privacy and light impacts, the significant harm I have identified in respect of outlook impacts is sufficient reason to dismiss the appeal.
35. For the reasons given above, I conclude that the appeal should be dismissed.

⁵ LPA Ref BH2023/00157

S Leonard

INSPECTOR