
Appeal Decision

Site visit made on 18 March 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th April 2025

Appeal Ref: APP/Q1445/D/25/3358770

96 Shirley Drive, Hove BN3 6UL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Douglas Cook against the decision of Brighton & Hove City Council.
 - The application Ref is BH2024/02129.
 - The development proposed is alterations to 96 Shirley Drive including; rear south-east corner infill extension, new first floor and roof and new open porch to front.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of 94 and 98 Shirley Drive, with particular regard to outlook; and
 - solar generation.

Reasons

Character and Appearance

3. The appeal site comprises a detached bungalow constructed of red brick with a tiled hipped roof situated at a lower level than the street in a residential area. There is some variety in the character and appearance of the surrounding properties but those in the immediate vicinity to the west with which the appeal property is most closely related, are characterised by modest red brick bungalows with hipped tiled roofs, some of which contain accommodation in the roof.

4. The existing space around the dwelling at first floor level formed as a consequence of the hipped roof would be lost by the proposed two-storey flank walls. The proposed development would almost fill the full width of the plot on the first floor, at odds with the properties to the west which are characterised by hipped roofs. The gable ends and expansive use of glass project the bulk and mass of the dwelling forward in the street scene, making it visually prominent and the choice of modern materials which are not currently found in the existing dwelling or neighbours to the west further draws attention to the dwelling. The combination of the scale, bulk, mass and choice of materials is out of character with the properties to which it is most closely related.
5. The appellant has referred to appeal decision APP/Q1445/D/11/2156725 where the Inspector concluded the area was 'an area of mixed development of detached houses and bungalows with, generally, no uniformity of design'. I find that this particular section of Shirley Drive does have a uniformity of design with regard to the materials, size and style of property being bungalows with accommodation within hipped roofs and of red brick and tiled construction. My attention has also been drawn to other properties within the area where front gable ends have been permitted and where bungalows have been granted permission for additional floors. The principle of extending the appeal property has been established through the 2023 permission and alternative schemes for the conversion of the existing bungalow into a larger more sustainable dwelling could be acceptable provided the scale, design and massing are appropriate to the site and the character of area with which the property most closely relates.
6. Reference has also been made to other properties where examples of similar materials to those proposed have been used. However, in the proposed development, the use of such different materials to those found on the existing dwelling only serves to draw attention to the scale, bulk and mass of the proposal.
7. In light of the above, I conclude the appeal development would harm the character and appearance of the area. In this regard it does not comply with Policy CP12 of the Brighton & Hove City Plan Part One (March 2016) or Policies DM18 and DM21 of the Brighton & Hove City Plan Part Two (October 2022).

Living Conditions

8. The footprint of the dwelling is within close proximity to No 98. The increased height of the flank side walls with extended gables to the front and rear would have an overbearing effect when viewed from the side and the rear garden of No 98.
9. No 94 is set further forward on its plot and is in a more elevated position than the appeal site. There is mature vegetation between the dwellings. Despite this, the extent of the proposed development at first floor level to the rear of No 96 would elongate the building and dominate the outlook to the west when viewed from along the rear elevation of No 94.
10. For the reasons given above, I conclude the proposed development would harm the living conditions of the occupiers of No 94 and 98, with particular regard to outlook. As such, it would not comply with Policy DM20 of the Brighton & Hove City Plan Part Two (October 2022).

Solar Generation

11. The Council raises concern over the effect of the proposed development on solar generation at No 98. However, limited evidence has been provided to substantiate this claim. The appellant has proposed mitigation in the form of an agreement with No 98, to contribute towards a new battery so that No 98 may make better use of solar energy it generates. In light of this, I am not satisfied there would be a detrimental effect on solar generation overall. Accordingly, on this basis, I find no conflict with Policy DM44 of the Brighton & Hove City Plan Part Two (October 2022). In any event, I am dismissing the appeal for other reasons, so this matter has made no difference to my overall conclusion.

Other Matters

12. I note the reasons why the appellant wants to maximise internal space and build a larger house, and the sustainability credentials of the proposed development. But these benefits do not outweigh the harm identified above.
13. I acknowledge the appellant's concerns over the Council's handling of the application. However, this is not a matter for me to consider in an appeal under section 78.

Conclusion

14. Whilst I have found in favour of appellant in terms of solar generation, I have found harm in terms of character and appearance and living conditions. I therefore find conflict with the development plan overall and so for the reasons given above the appeal should be dismissed.

C Coles

INSPECTOR