



Appeal Decision

Site visit made on 5 June 2018

by Lynne Evans BA MA MRTPI MRICS

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

Decision date: 22 June 2018

Appeal Ref: APP/Q1445/D/18/3197106

50 Lustrells Crescent, Saltdean, Brighton BN2 8FJ

- 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 & Mrs Taylor against the decision of Brighton & Hove City Council.
 - The application Ref: BH2017/03313 dated 29 September 2017, was refused by notice dated 10 January 2018.
 - The development proposed is loft conversion including raising ridge line, rear dormer and front rooflights.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the existing property and of the local area, and
 - b) The effect of the proposal on the living conditions of neighbours, with particular regard to overlooking and loss of privacy.

Reasons

Issue a) Character and appearance

3. The appeal property is a semi-detached bungalow on the south-east side of Lustrells Crescent, in a predominantly residential area with a varied mix of bungalows, chalet bungalows and two storey houses. The land slopes down from north-east to south-west, and slopes away from the road towards the rear garden (north-west to south-east).
4. The semi-detached pair, comprising the appeal property and No 48, are asymmetrical in form and appearance, with the appeal property having a higher hipped roof than the other half of the pair, which has recently been extended and altered with a gable end. I understand that these works were undertaken as *permitted development* and there is no information before me to suggest otherwise.
5. The proposal would increase the ridge height and change the hipped roof to a gable end. Three rooflights would be introduced onto the front roof slope and a

larger flat roofed dormer to the rear. There are a variety of hipped and gable roofs in the vicinity of the site and I do not consider that the change from a hip to a gable roof would, by itself, appear out of scale or character with the existing pattern of development in the local area. Furthermore, it would be more in keeping with the other half of the semi-detached pair, where a change to a gable end has already been undertaken. The increase in ridge height would not be significant and the roof lines would continue to step down the hill to reflect the local topography.

6. There would be a large, flat roof dormer at the rear with minimal set back from the ridge and sides of the roof. This would be a very large and dominant structure and together with the full-length windows in the dormer would result in a very top heavy structure which would detract from the scale and proportions of the existing dwelling.
7. I have taken into account the existing dormer at the neighbouring property as well as the Certificate of Lawfulness obtained by the Appellant for a similar proposal at the appeal property (Ref BH2014/02397). However, there is no dispute that the scale of this proposal, which would include the raising of the roof requires, planning permission and I consider that it would be overly large and bulky and therefore out of scale in relation to the existing house.
8. I appreciate that the dormer is at the rear of the dwelling and would not be widely seen in street scene views. However, its scale in relation to the roof and the building would be visible when approaching from the north east and it would be visually intrusive in views from neighbouring properties.
9. I therefore conclude that the proposal would harm the character and appearance of the existing property and of the local area. This would conflict with Policy QD14 of the adopted Brighton and Hove Local Plan (Local Plan) and the National Planning Policy Framework (Framework) and in particular Section 7, both of which seek a high standard of design which respects the local context.

Issue b) Living Conditions

10. There are residential neighbours to the sides and to the rear of the appeal property. It is not uncommon for there to be some overlooking of neighbouring gardens from adjoining residential properties, where there are adjacent properties on modest plots.
11. However, and whilst I appreciate the reasons for wanting to use the upper floor for the main living accommodation, I do concur with the concerns expressed by the Council that the potentially greater use of this space throughout the day together with the full-length windows and proposed Juliet balconies would all combine to exacerbate the extent of potential overlooking of neighbouring gardens. I consider that this would adversely affect privacy levels enjoyed by the immediate neighbours and would therefore materially harm their living conditions.
12. I therefore conclude that the proposal would materially harm the living conditions of adjoining neighbours, with particular regard to overlooking and loss of privacy. This would conflict with Policy QD27 of the Local Plan and one of the Core Principles of the Framework, which seeks for a good standard of amenity for existing and future occupiers.

13. I do not consider that the proposal would materially harm the living conditions of the immediate neighbours in respect of noise and disturbance. I have noted the concerns of the neighbours in this respect, but the way in which the internal space is used is beyond planning control. The Council also did not raise a concern in this regard.

Conclusion

14. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR

