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## Appeal Decision

Site visit made on 3 July 2018

**by N A Holdsworth MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 July 2018**

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**Appeal Ref: APP/Q1445/W/18/3192567**

**33 Green Ridge, Brighton, BN1 5LT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr and Mrs Boyle against Brighton & Hove City Council.
  - The application Ref BH2017/03577 is dated 24 October 2017.
  - The development proposed is first floor extension within roof. Front and rear ground floor extensions.
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### Decision

1. The appeal is allowed and planning permission is granted for first floor extension within roof. Front and rear ground floor extensions at 33 Green Ridge, Brighton, BN1 5LT in accordance with the terms of the application, Ref BH2017/03577, dated 24 October 2017, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 117/P 003, 117/P 202, 117/P 203.
  - 3) Except where differences are shown on the approved plans, the external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

### Main Issues

2. The effect of the development on:
  - The character and appearance of the host building and surrounding area; and
  - the living conditions of the occupants of neighbouring residential properties, with particular regard to overlooking, daylight and sunlight, and outlook.

### Reasons

#### *Character and appearance*

3. The existing building is set within a staggered row of properties facing Green Ridge, set at angles to the road. Whilst the existing building is a bungalow, others further along, including the adjacent building at No.35, are two storey properties. I observed that there is limited uniformity in the appearance of

these properties, although there is some consistency in the way in which they are sited in relation to the road.

4. In this case, the extensions would not significantly project beyond the established front building line of the dwelling. The existing relationship between the property and the road would therefore be preserved. Whilst the extended building would have an additional storey, this would be set against the backdrop of other two storey properties to the east, along Green Ridge. The additional height and mass would be concentrated in the centre of the building, generally aligning with these larger buildings.
5. The front of the building would be defined by a gable wall, which the other projecting elements would appear subservient to. To my mind, this would present a coherent appearance in views along the road. Whilst the rear elevation would be less visible from the surrounding area, it too would have a coherent appearance, defined by the equivalent rear gable wall. The building would be set beneath a pitched roof, and would thus accord with the prevailing roof form found on the properties that surround it. In other regards, the design and fenestration of the extended building would not significantly depart from that found on other buildings along Green Ridge.
6. Considering the rear of the property, I note that the building would extend beyond the building line of both neighbouring properties. However, a substantial proportion of the rear extension is limited to one storey, and a large garden area around it would be retained. The second storey would be set back, and would generally align with the upper floors of No.35. In consequence, the additional height would follow the prevailing pattern of development, and the extended building would not appear visually dominant or overbearing in relation to the rear of either neighbouring property.
7. The extended building would project forward of the front of both No.31 Green Ridge and No.35 Green Ridge, as it does at present. However, I observed that there are other examples of two storey side walls facing on to front gardens, along this part of Green Ridge. In this context, the extensions associated with the remodelling of the front of the building would not result in a visually dominant or overbearing relationship with either neighbouring property.
8. Overall, I consider that the extended building would sit well within its setting, and would not appear unduly large in relation to its surroundings or over-extended, as argued by the Council. Whilst it would occupy a prominent position close to a corner in the road and would be visible from public viewpoints, it would not appear unduly dominant in relation to the surrounding residential properties or the road on to which it would be set.
9. These considerations lead me to the view that there would be no harm to the character and appearance of either the host building or the surrounding area. There is no conflict with saved policy QD14 of the Brighton and Hove Local Plan 2005 ("Local Plan") which requires that, amongst other things, extensions to existing buildings are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.

#### *Living conditions*

10. The windows on each ground floor side elevation would face on to the respective side boundaries and would not lead to any material overlooking.

Roof windows would also be installed in the side elevations; however these would follow the plane of the roof, and would not therefore lead to any significant overlooking of neighbouring residential properties. New windows at first floor level would face on to the street, however this is a public area that is already overlooked, and no harm would arise in this regard.

11. New windows would be installed in the rear elevation at first floor level, set back above the ground floor extension. These would indirectly overlook the gardens of both neighbouring properties. However, I observed that the respective neighbouring gardens are already overlooked, albeit at a distance, from upper floor residential windows in the surrounding area. Consequently, there would be no material harm through the additional overlooking arising from the new rear facing first floor windows.
12. Whilst the single storey rear extension projects beyond the equivalent rear elevation of both neighbouring properties, its limited height means that it would not compromise the light or outlook from either of these neighbouring buildings, or their gardens. The extended area to the front of the building would be of a limited projection, and would not lead to a material loss of light or outlook to either neighbouring property. The additional height and bulk associated with the additional storey is concentrated in the centre of the building, where it would broadly align with the residential properties located along Green Ridge. These considerations lead me to the view that the development as a whole would not lead to any material loss of light or outlook for neighbouring residents, when within their properties or gardens.
13. A daylight and sunlight report was provided with the application which concludes that the proposals are compliant with the relevant Building Research Establishment Guidance. Whilst the Council dispute the findings of this report, arguing it is incomplete and based on limited information, I consider that the proposal is sited a sufficient distance away from windows and external amenity space in neighbouring properties and would not result in any material harm to the levels of sunlight and daylight received in these areas.
14. I therefore conclude that there would be no harm to the living conditions of occupants of surrounding residential buildings in respect of overlooking, daylight and sunlight or outlook. There is no conflict with saved policy QD27 of the Local Plan which requires that, amongst other things, proposed development must not cause loss of amenity to existing residents.

### **Conditions and Conclusion**

15. Conditions are necessary in the interests of compliance with statutory requirements relating to commencement of development [1] and certainty [2]. A condition is also necessary to ensure that the appearance of the development is appropriate in the context of the wider area [3]. Given that the proposal involves the extension of an existing dwelling, it would not be reasonable to remove any permitted development rights that the property already benefits from.
16. For the reasons given above and having had regard to all other matters raised the appeal should succeed.

*Neil Holdsworth*

INSPECTOR

