



Appeal Decision

Site visit made on 14 August 2018

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 20 August 2018

Appeal Ref: APP/Q1445/D/18/3204233

16 Hove Park Road, Hove BN3 6LA

- 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 Koczerzat against the decision of Brighton & Hove City Council.
- The application Ref: BH2018/00863 dated 16 March 2018, was refused by notice dated 8 May 2018.
- The development proposed is single storey rear extension, first floor extension and remodelling of roof to form additional accommodation with associated works.

Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension, first floor extension and remodelling of roof to form additional accommodation with associated works at 16 Hove Park Road, Hove BN3 6LA in accordance with the terms of the application, Ref BH2018/00863 dated 16 March 2018, 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: location plan, block plan, 170405 P1 Rev B, 170405 P2 Rev B, 170405 P3 Rev B, 170405 P4 Rev B, 170405 P5 Rev B, 170405 P6 Rev B, 170405 P7 rev B, 170405 P8 Rev B, and 170405 P9 Rev B.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. The revised National Planning Policy Framework (Framework 2018) came into force on 24 July 2018 and from that date policies within the Framework 2018 are material considerations which should be taken into account in decision making. Although the Council's reasons for refusal did not specifically refer to the National Planning Policy Framework 2012 extant at the time of the decision, both the Appellant and the Council have referred to it. From reading all the information before me from the Appellant and the Council, I am satisfied that the revised Framework 2018 carries forward the main policy areas from the earlier Framework, as relevant to this appeal.

Main Issues

3. The main issues in this appeal are:
 - a) the effect of the proposal on the character and appearance of the existing property and on the local area,
 - b) The effect of the proposal on the living conditions of the adjoining neighbours at No 18 with particular regard to effect on outlook.

Reasons

Issue a) Character and appearance

4. The appeal property is a detached house in Hove Park Road within a predominantly residential area of mainly detached and some semi-detached family sized dwellings. The appeal property and many of the surrounding dwellings substantially fill the width of their plots, with limited spacing between properties.
5. The proposed scheme would extend the ground floor living accommodation to the rear and extend at first floor as well as make amendments to the roof to provide accommodation at second floor level. From the front, the lower section of existing roof would be raised to the main ridge height together with a barn hip. I consider that this proposed minor change to the roof form would not materially affect the character or appearance of the property and furthermore, would maintain the existing spacing, in street scene views, with the adjoining dwelling at No 18. In addition, a roof light would be introduced and there would be some fenestration changes with the introduction of garage doors in place of an existing window. I do not consider that these minor changes would materially affect the character or appearance of the property and the Council raised no particular concerns regarding these specific changes.
6. At the rear, the roof slope would be extended further towards No 18 but I agree with the Appellant that, from the consideration of the character and appearance of the property, this would introduce a more unified roof form, compared with the current arrangement. The existing two dormers on the main roof slope would be replaced with larger rear dormers. However, they would remain set in from the edges of the roof slope and set down from the main ridge, and therefore would appear subservient in form to the main dwelling. Given their siting and scale I do not consider that they would appear out of proportion with the main form of the existing house but would present a transition in scale from the extended ground floor accommodation, whilst keeping the windows aligned with the proposed fenestration below.
7. The Council raised a specific concern relating to the extent of cladding proposed, which appears to have been the result of an email exchange with the Appellant during the application stage when it was advised that the rear dormer cheeks would be clad in plain clay tiling. I agree with the Appellant that the use of the term 'cladding' in the Council's reason for refusal is confusing, and from the Officer's report I understand that the concern relates to the extent of plain clay tiling. The application forms refer to brick, painted render and tile hanging. Materials are not specified on the plans. However, the palette of proposed materials is already found on the existing building and is also typical of the materials found in the local area. They would therefore, in my view, be suitable for the finished appearance of the property and the rear

dormers. I see no planning justification to impose a specific condition to require further approval of the materials, beyond the standard condition which requires the materials to match the existing materials on the existing house.

8. I am therefore satisfied that the proposed development would respect the character and appearance of the existing dwelling and of the local area. There would be no conflict with Policy QD14 of the Brighton & Hove Local Plan (Local Plan) as well as the Framework 2018, both of which seek a high quality of design which respects the local context.

Issue b) Living Conditions

9. The adjoining property at No 18 Hove Park Road is set at a slightly lower level to the appeal property, reflecting the natural slope of the land. It has a patio area leading out from the rooms at the rear across the rear of the property with a raised area in the corner adjoining the common boundary with the appeal property. The neighbouring residents would be aware of the roof changes which would be visible from within their rear garden area. However, given the proposed slope of the roof and the remaining outlook from the patio area over the rear garden and beyond, I am satisfied that the proposal would not be over dominant or create an enclosing effect and would therefore not materially harm their living conditions, particularly from their outside amenity area. Although not specifically raised by the Council, I also consider that there would be no harm in terms of the outlook from the ground and first floor rooms closest to the common boundary given the proposed form of the roof and the remaining outlook available.
10. I am therefore satisfied that the proposed development would not materially harm the living conditions of the adjoining neighbours at No 18 with particular regard to loss of outlook. There would be no conflict with Policy QD27 of the Local Plan as well as the Framework 2018, both of which seek to protect the amenities of existing and future residents.
11. Although not raised by the Council, I am also satisfied that there would be no harm in terms of overlooking and loss of privacy, nor any impact on daylight given the relationship between the appeal dwelling and neighbouring properties in terms of existing and proposed siting, orientation and fenestration arrangement.

Conditions and Conclusion

12. In terms of conditions, I agree with the standard conditions proposed by the Council. I have already addressed the approach to materials and confirm that matching materials with the existing dwelling are required in the interests of protecting the character and appearance of the existing property and of the local area, but that it would not be necessary to seek further details to be submitted. I also agree that a condition to list the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.
13. The Council has recommended a condition to require further details to be submitted of the boundary treatments because of the proposed raised terrace. Although the proposed terrace would extend further into the rear garden than the existing, given the existing raised terrace and the boundary treatments on either side as well as the form of the terrace as proposed, I do not consider

that such a condition is necessary to protect the amenities of the neighbours on either side.

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

L J Evans

INSPECTOR