



Appeal Decision

Site visit made on 6 November 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 17 November 2017

Appeal Ref: APP/Q1445/D/17/3177588

90 Longhill Road, Ovingdean, Brighton BN2 7BD

- 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 David Adams against the decision of Brighton & Hove City Council.
 - The application, Ref. BH2016/06567, dated 21 December 2016, was refused by notice dated 24 April 2017.
 - The development proposed is to remodel the existing dwelling with a two-storey rear extension, roof alterations, the erection of a second floor pod, a terrace to the front, alterations to fenestration and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposal on the character and appearance of the Longhill Road street scene, and (ii) the effect on the living conditions for adjoining occupiers, with particular reference to outlook and noise and disturbance.

Reasons

3. On the first issue, the Council's concern is that through a combination of its scale, form and external materials the appeal scheme would result in the altered and extended dwelling having an incongruous and overbearing appearance. It is considered that this would be out of character with the existing house, its neighbours and the Longhill Road street scene.
 4. On my visit to the area I saw that the dwellings in Longhill Road as a whole have a range of architectural styles, and the appeal property together with its immediate neighbours at Nos. 88 and 92 are a case in point. Bearing this in mind, there is clearly some scope in altering and extending a building that in my view is presently of a modest scale compared to the adjoining dwellings and of a mediocre design quality.
 5. However, in reaching a planning judgement on the issue, regard must be had to Government policy in paragraph 60 of the National Planning Policy Framework 2012 ('the Framework'); paragraph a. of Policy QD14 of the Brighton & Hove Local Plan (Retained Policies March 2016), and the Council's Supplementary Planning Document (SPD) 12: Design Guide for Extensions and Alterations
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2013. The common denominator in these strands of policies is that as far as the design of buildings is concerned a balance must be struck between such factors as 'innovation, originality and initiative' and the need to ensure that even if different the development should successfully integrate into its context. It is this important caveat that is crucial to the appeal scheme.

6. To an extent this is recognised by the appellant as I note that the appeal proposal is a modification of the scheme refused permission under Reference BH2016/02440, with a number of changes including the choice of external materials and the inclusion of privacy screens to the flank elevations at roof level.
7. However, the design ethos as exemplified by the creation of a three storey dwelling including a second floor pod, an external terrace / balcony, large scale fenestration at all three levels on the southwest elevation, and a Juliet balcony to a first floor bedroom appears to continue to be derived mainly from the applicant's aspiration to maximise sunlight, daylight and views.
8. Whilst that objective is in principle entirely understandable, the outcome would be a highly contemporary building that does not sufficiently respect its context of more restrained and traditional designs in Longhill Road, albeit in a number of cases adapted to take advantage of the elevated aspect and south westerly aspect.
9. This may well be an appropriate design for a site in a more seaward location and amongst similar contemporary architecture; however my concern in this instance is that the combination of the dwelling's elevated position; rectilinear and three storey form; extensive areas of flat roofs; large scale glazing, and out of keeping timber cladding to the pod would draw the eye and be correctly perceived as harmfully incongruous to the character and appearance of the Longhill Road street scene.
10. I have carefully considered the grounds of appeal and have noted the appellant's reference to properties considered to be similar to this proposal. However there are key differences as regards the sites and their context and the design of the buildings. In my view they do not alter my conclusion on the main issue and the resultant conflict with Local Plan Policy QD14, the Council's SPD, and Section 7: 'Requiring Good Design' of the Framework.
11. Turning to the second issue, the Council accepts that amendments to the earlier scheme together with conditions would address the concerns as to the loss of light and privacy for the adjoining occupiers on either side but argues that the second floor pod and its privacy screens would still have an adverse effect on the outlook from the flank windows in No. 88.
12. In addition I have taken the objections from No. 92 into account, but accept that the appellant's grounds of appeal have established that there would be no unreasonable loss of light and privacy. As regards the effect on the outlook from No. 88, the higher position of the pod relative to that property's side facing windows has some potential for it to be overbearing, but a gap of 5m between the houses plus the inset of the pod from the roof edge should limit this to an acceptable level.

13. Noise from the balcony may potentially be relevant, but in the absence of more detailed submissions from the parties to the appeal I am unable to regard it as a determining factor. In any event, such matters are somewhat academic because of my conclusions on the first main issue.
14. For the reasons explained above the appeal is dismissed.

Martin Andrews

INSPECTOR

