



Appeal Decision

Site visit made on 20 April 2018

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 03 May 2018

Appeal Ref: APP/Q1445/D/18/3195036

48 Lenham Avenue, Saltdean, Brighton BN2 8AG

- 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 Paul Keeley against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/02291, dated 5 September 2017, was refused by notice dated 11 December 2017.
 - The development proposed is erection of rear elevation, raising of side staircase construction, roof alterations and extension and associated alterations.
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Decision

1. The appeal is allowed and planning permission is granted for erection of rear elevation, raising of side staircase construction, roof alterations and extension and associated alterations at 48 Lenham Avenue, Saltdean, Brighton BN2 8AG in accordance with the terms of the application, Ref BH2017/02291, dated 5 September 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: 17609/01 Revision A, 17609/02 Revision A, 17609/06 Revision D, 17609/07 Revision B, 17609/08 Revision B, 17609/09 Revision C.
 - 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural matters

2. The description of the proposal on the application form set out it out as a series of bullet points. The Council amended the description to that as given in the heading above on its decision notice and the appellant used this on the appeal form. This amended description clearly and more succinctly sets out that applied for and I therefore have used this in the heading and in the formal decision.
3. During the consideration of the application by the Council amended plans were submitted altering the roof form and making a number of other alterations.

The Council made its decision based on the amended plans and I have used them in this decision.

Main Issues

4. The main issues are the effects on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 46 Lenham Avenue in terms of privacy and of 17 Founthill Avenue in terms of privacy and outlook.

Reasons

Character and appearance

5. The appeal property is a detached dwellinghouse. The landform in the area slopes steeply down to the east so that from Lenham Avenue the house entrance is set down the equivalent height of a storey and there is a level access to what appears to be a garage in the roofspace surrounded by a gable. To the rear there are two storeys and the lower of these is set above the garden which continues to slope down to the rear. The property has a sun room at the upper level which is supported by an open structure beneath.
6. The property to one side, 46 Lenham Avenue, is set at a slightly higher level. The access to No 46 is at street level. To the rear, accommodation is over three storeys with a flat roofed element on the top floor adjacent to No 48. On the other side of the appeal property is 17 Founthill Avenue. This is set down from Lenham Avenue and gives the appearance of a bungalow from that road, but is a two storey property with access from Founthill Avenue.
7. The proposal is to widen the gable on the front elevation to add a personnel door. The Council has not objected to this element of the proposal and I concur that it is acceptable. In addition, it is proposed to construct a three storey extension on the rear elevation. This would have a flat roof, be completed in cedar boarding, and would have wrap-around glazing for its upper two floors to the rear and the side facing No 48. In addition, the existing two storey extension on the side elevation adjacent to No 17 would be altered and re-clad to match the proposed rear extension enlarging its dimensions.
8. Although the rear extension would significantly change the bulk of the property it would not be out of keeping with the area. It would be of similar form, if of different materials, to No 48 and would not appear as an intrusive element when viewed from the public domain either in short or long distance views. There would be a preponderance of glazing particularly at the top of the resultant building, but this would be in keeping with the style of architecture chosen. The site is not located in a conservation area nor is it subject to any other designation. As paragraph 60 of the National Planning Policy Framework (the Framework) makes clear, planning decisions should not attempt to impose architectural styles or particular tastes. There is no particular locally distinctive architectural style in the area which it would be appropriate to promote or reinforce. Given the topography of the area the glazing would not result in the extension appearing top heavy.
9. For the same reasons, the use of cedar boarding would be appropriate, and while not found on the existing building would be sympathetic to the area.

Although Policy QD14 of the Brighton & Hove Local Plan (the LP) requires the use of materials sympathetic to the parent building I am of the view that a different architectural response would be acceptable due to a variety of styles in the area.

10. The rear extension would fit well with the original building and would rationalise the rear elevation with the removal of the sun room and its supporting structure. The overall height of the resulting rear elevation would be similar to that of No 48.
11. As such the proposal would be in keeping with the character and appearance of the area. Therefore it would comply with Policy QD14 of the LP which requires that extensions and alterations to dwellings should be well designed, sited and detailed in relation to the property, adjoining properties and the surrounding area. The proposal would also comply with paragraph 60 of the Framework as set out above.

Living conditions

12. Currently the rear garden of No 46 is overlooked from the side windows in the sunroom. This would be replicated by the windows in both of the upper floors of the proposed rear extension, and while any overlooking would be over two floors rather than the one at present, there would not be any harmful increase in loss of privacy.
13. In respect of No 17 the whole of the area which would be overlooked from the proposal is already in the public domain as it can be readily seen across the entrance to that property from Founthill Avenue. There would therefore be no additional loss of privacy. There would also be sufficient separation between both the proposed rear extension and the amended side extension and No 17 so that the proposal would not result in an unacceptable overbearing effect for the occupiers of No 17 taking into account the windows in the side elevation of No 17 facing the appeal property.
14. Therefore the proposal would not have an adverse effect on the living conditions of the occupiers of the neighbouring properties. As such the proposal would comply with Policies QD14 and QD27 of the LP which require that development does not result in loss of privacy or outlook to neighbouring properties or the loss of amenity to existing adjacent residents. It would also comply with paragraph 17 of the Framework which indicates planning should always seek a good standard of amenity for existing occupants of land and buildings.

Conditions

15. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty.
16. As the proposed external materials are different to the existing building I have also imposed a condition requiring these materials to be submitted and approved in order to ensure that they are appropriate to the area. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

RJ Jackson

INSPECTOR