
Appeal Decision

Site visit made on 30 January 2019

by C J Leigh BSc(Hons) MPhil MRTPI

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

Decision date: 15th February 2019

Appeal A Ref: APP/Q1445/W/18/3203399 13 Court Close, Brighton, BN1 8YG

- 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 Chroma Property Management against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00840, dated 10 March 2017, was refused by notice dated 29 November 2017.
 - The development proposed is described as 'alteration and extensions to existing property and subdivision to form 2no semi-detached properties, including associated parking and landscaping'.
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Appeal B Ref: APP/Q1445/W/18/3205232 13 Court Close, Brighton, BN1 8YG

- 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 Chroma Property Management against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/04178, dated 19 December 2017, was refused by notice dated 27 April 2018.
 - The development proposed is described as 'alteration and extensions to existing property and subdivision to form 2no semi-detached properties, including associated parking and landscaping'.
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Decision Appeal A Ref: APP/Q1445/W/18/3203399

1. The appeal is dismissed.

Decision Appeal B Ref: APP/Q1445/W/18/3205232

2. The appeal is dismissed.

Main issue

3. The main issue in both appeals is the effect of the proposed development on the character and appearance of the surrounding residential area.

Reasons

Character and appearance

4. The appeal property is a detached chalet bungalow which lies within a street of housing that evidently all dates from the inter-War period. There is a consistent
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- style to the architecture of the houses and bungalows in the road, with pitched roofs and dormer windows, but differences in scale, form and siting.
5. No. 13 forms part of an attractive grouping of similar chalet bungalows along the southern side of the road, all of which have a consistency in scale and appearance. These complement the setting of the adjoining two storey houses. They appear relatively modest properties when seen from both the front and in views of the side elevations along the road. There have, though, been alterations and extensions to bungalows and houses, including rear and side additions.
 6. The proposed works to No. 13 in Appeal A would represent extensions and additions to the building that are clearly out of scale and harmful to the property and wider area. The width of the roof would be increased and, associated with this, the provision of very deep gable ends with a flat roof. This would present an appearance of an excessively deep building that is entirely out of scale with the other bungalows along the road, and that disproportionate impression would be widely visible.
 7. This harmful impression of bulk would be emphasised by the number of dormers on the front elevation, positioned very close to the edge of the extended roof. The overall appearance of the building would thus be very much out of character with the area.
 8. The proposals in Appeal B have addressed the issue of excessive depth to the building. Although the current hipped roof would be changed to a gable end, there are examples of hipped gables in the road, and this limited change would not adversely affect the character of the area. I am also mindful that the appellant could undertake work to the gable end of the property, as confirmed under a Certificate of Lawfulness application that has been provided to me (ref. BH2018/02986). With regards to the proposed rearward extension of the building, this is now shown to be with pitched roof projections. This reduces the massing when seen from the side and, again, is a feature that exists at other properties along Court Close.
 9. However, despite these alterations to the design that have addressed certain matters, the overall appearance of the scheme remains excessive in scale for the site. This is due to the notably increased width of the building, through a sizeable extension to the eastern side. This is an area currently open at roof level, and the spaciousness arising from that gap is important to the character of the area. I do not agree with the appellant that the gap is uncharacteristic of the area: it provides a suitable break in the different architecture, form and siting of the grouping of bungalows compared to the appearance of the houses set around the end of the Close which are set further back from the road.
 10. The width, height and design of the proposed extension to No. 13 in this part of the site shown in Appeal B would thus result in an overly bulky building and which, due to the bungalow being set further forward than the houses to the east, would create a building that appears dominant in views along the street. I therefore agree with the Council that there would be a 'top heavy' appearance to the building that would be disruptive to the character of the original property and to the street scene.

11. On the main issue it is therefore concluded that the proposed development in both appeals would be harmful to the character and appearance of the surrounding area, and so conflict with Policies CP12 of the Brighton & Hove City Plan 2016 and Policy QD14 of the Brighton & Hove Local Plan 2005, which seek a high standard of design in relation to both extensions to properties and to the surrounding area.

Other considerations and conclusion

12. The distance retained between the proposed rearward extension and the roof extension and the site boundaries in both appeal schemes would be sufficient to ensure no undue overbearing impact on adjoining properties. Additional windows would be created in the rear elevation in both schemes, with Juliette balconies in Appeal B. At first floor these windows would serve bedrooms and be set away from the boundaries with the neighbouring properties, and so this use and retained distance would ensure the windows and balconies would not cause any material loss of privacy to existing residents. The windows at ground floor would be screened by boundary fences, whilst windows on the side elevation would be obscure glazed.
13. The Highways Authority state that the maximum car parking requirement for the proposed development in both appeals would be 3 spaces. The drawings for Appeal A show 4 spaces and those for Appeal B 2 spaces. The Highways Authority thus sought amendments to the scheme, and on the basis of the submitted plans and my observations at the site visit I am satisfied sufficient car parking space could be provided to the required standards, subject to the submission of suitable details. I note residents' concerns regarding possible parking on the road, but given the existence of off-street parking for both existing and the proposed dwellings – and the likely low level of traffic for the cul-de-sac – on the basis of the evidence before me I am satisfied that any on-street parking would be minimal and not harmful to highway safety.
14. Both appeals would provide one additional dwelling. The appellants in their Final Comments have referred me to an appeal decision in June 2018 that states the Council is unable to demonstrate a 5 year housing land supply (ref. APP/Q1445/W/17/3177606). The Council have not supplied information in this regard. I have found the proposed development in both appeals would cause harm on the first main issue but, in accordance with the test at paragraph 11d of the National Planning Policy Framework, I must consider whether the adverse impacts would significantly and demonstrably outweigh the benefit of the additional dwelling. It is my conclusion that even if I were to conclude there is a shortfall in the five-year housing land supply as stated by the appellant, the adverse impact to the character and appearance of the area through a grant of planning permission for either Appeal A or Appeal B would significantly and demonstrably outweigh that benefit.
15. For the reasons given both appeals are dismissed.

C J Leigh

INSPECTOR

