
Appeal Decision

Site visit made on 1 November 2017

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 13th November 2017

Appeal Ref: APP/Q1445/D/17/3181607
30 Rosebery Avenue, Brighton BN2 6DE

- 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 Richard Wintle against the decision of Brighton and Hove City Council.
 - The application Ref BH2017/01359, dated 20 April 2017, was refused by notice dated 18 July 2017.
 - The development proposed is described as re-roofing of the front flat dormer to be a dummy pitched roof, re-roofing of the rear flat roof dormer to be a dummy pitched roof, with a first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the host property and the surrounding area; and
 - the effect of the proposed development on the living conditions of the occupiers of 15 Baywood Gardens with particular reference to privacy.

Reasons

Character and Appearance

3. Rosebery Avenue is characterised by a variety of different residential properties including detached and semi-detached bungalows and two-storey houses. Roof types include gable ended as well as hipped roofs. Extensions to properties through the introduction of dormers on the front, back or side are not uncommon.
 4. The appeal property is a semi-detached bungalow on the eastern side of Rosebery Avenue. It has been expanded in the past through the introduction of dormer windows and rooflights on the front and rear roofslopes and the bungalow now has a gable roof unlike the adjoining property at no. 32 which has retained a hipped roof. The appellant acknowledged that these elements are contrary to the Council's guidance on roof alterations described the existing roof form as having multiple roof shapes and being contrived in design and form. I would not disagree with this view. No. 30 also has a ground floor
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- extension to the kitchen / dining area and a conservatory on the boundary adjoining no. 32.
5. The proposed extension at first floor level would involve considerable modifications to the roof form. The proposed rear extension would incorporate a barn-end roof and would extend as far into the rear garden as the existing ground floor dining area. In addition, the flat roofed front and rear dormers are currently set slightly below the ridge line. The proposal would see these modified to have dummy pitched roofs extending up to the ridge line.
 6. The proposed rear extension would add significant bulk to the existing bungalow resulting in the form of the property appearing as an extra storey to the house. This would overwhelm the bungalow and result in a rear roof form which was very different from the basic shape of the original roof. It would create a visually heavy and dominant roof form and would significantly unbalance the pair of bungalows. In raising the new roof form to the original ridge height the changes would not appear as subordinate additions to the roof.
 7. The appellant argued that the barn-hip roof when seen from the road would have the same roof angle as the roof of the adjoining property. In my view, the change from the gable roof would do little to restore the balance with the adjoining bungalow or to soften the impact of a bulky addition when viewed from the road. The proposed changes to the rear of the property would be visible from the road to a limited extent but the changes would be very apparent to occupiers of neighbouring properties in Rosebery Avenue and Baywood Gardens to the rear of the appeal site. Such changes would be harmful to the character of the wider area.
 8. As the appellant identified, there are numerous examples of poorly designed roof extensions within Rosebery Avenue. However, the presence of inappropriate roof alterations elsewhere within the road does not provide evidence of an established precedent as the Brighton and Hove City Council Design Guide for Extensions and Alterations Supplementary Planning Document (SPD), 2013 notes. Moreover, I am not aware of the circumstances which led to these developments and so cannot be sure that they directly parallel the appeal proposal. I have, in any case, determined the appeal before me on its own planning merits.
 9. Having found that the proposed development is not well designed or sited in relation to the host property, adjoining property and to the surrounding area it would not accord with Policy QD14 of the Brighton and Hove Local Plan, 2016 (the Local Plan). Moreover, the proposal fails to adhere to the advice in the SPD in respect of the principles for roof extensions. I also find that the proposal would be contrary to section 7 of the National Planning Policy Framework (the Framework) which seeks to achieve good design.

Living Conditions

10. Properties within Baywood Gardens are within relative close proximity to those in Rosebery Avenue because of a relatively short separation distance between them. As a consequence a degree of overlooking already exists between the rear windows of properties on these roads. The proposed extension would result in the proposed new first floor window projecting much further forward than the existing dormer and rooflight windows in the rear roofslope.

11. Whilst views from this proposed window to 15 Baywood Gardens would be at an oblique angle, because of its projection I consider that this would lead to a perception of overlooking for occupiers of that property leading to a loss of privacy.
12. As a consequence I find the proposed development to be contrary to Policy QD27 of the Local Plan which requires development to avoid causing material nuisance and loss of amenity to adjacent occupiers. The proposal would also be contrary to one of the core principles of planning as set out in the Framework, namely that a good standard of amenity should be achieved for all existing occupiers of buildings.

Conclusion

13. For the reasons set out above, and having regard to all other matters raised, the appeal is dismissed.

Kevin Gleeson

INSPECTOR

