
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/17/3185882

11 Tongdean Rise, Brighton BN1 5JG

- 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 Heal against the decision of Brighton and Hove City Council.
 - The application Ref BH2017/01523, dated 4 May 2017, was refused by notice dated 26 July 2017.
 - The development proposed is described as two storey rear extension and enlarged front dormer in connection with the remodelling of the dwelling.
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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 nos. 10 and 12 Tongdean Rise with particular reference to privacy, visual impact and noise.

Reasons

Character and Appearance

3. Tongdean Rise is characterised by a mixture of bungalows and two storey houses. A number of houses have been redeveloped or extended adopting a modern design approach which contrasts with more traditional properties. The locality has a character which is defined by detached properties set within plots which are spacious and have mature gardens.
 4. The appeal property is a chalet style detached bungalow located on the southern side of Tongdean Rise with the neighbouring properties, nos. 10 and 12 also being chalet style bungalows. Both of the neighbouring properties have been extended to include rooms within the roof. As Tongdean Rise curves the building line is staggered but for nos. 10-12 the rear elevations of all three properties generally create a straight building line.
 5. No. 11 Tongdean Rise has previously been extended to provide additional accommodation in the roof space, incorporating a small front dormer and a
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larger rear dormer with three windows facing the garden. The site rises steeply from the front to the rear and the rear garden is tiered. The rear patio at ground floor level leads to an area of shrubbery forming the steepest part of the garden, beyond which is a fairly flat area of lawn and further away, at the end of the garden a further elevated area. A steep set of steps leads from the patio, through the shrubbery to the lawn level.

6. The proposed development would extend the property to the rear by a depth of approximately 5 metres, necessitating building into the shrubbery. The rear extension would have a flat roof incorporating a rooflight and a box dormer within the rear roofslope. From the dormer, level access would be provided to a terrace from which the main garden could be reached via a short flight of stairs. The proposed changes would have bedrooms at ground floor level and a kitchen / living room at first floor level in order that the living accommodation has more natural light than at present. Changes to the front elevation would include widening the existing dormer.
7. The two storey rear extension and modifications to the roof would significantly alter the appearance of the property and would considerably increase its size. In creating a new roof form which is the same height as the existing ridge the additional bulk would be unsympathetic to the form of the original building, would not be subordinate in terms of scale and would be over dominant. It would also fail to respect the character of neighbouring buildings, extending well beyond the existing rear building line. Whilst the majority of the development would be to the rear of the property there would be some views of the proposed extension from the street which, because of the additional bulk, I consider would be harmful to local character.
8. The proposed rear flat roof dormer whilst narrower and set lower within the new roof than the existing dormer would appear bulky because of its full height doors. The creation of the terrace would also add to the bulk of the development and appear as an incongruous addition because of the projection from the first floor level of the property.
9. Having found that the proposed development is not well designed in relation to the host property, neighbouring properties and to the surrounding area it would not accord with Policy QD14 of the Brighton and Hove Local Plan, 2016 (the Local Plan).
10. I also find that the proposals would not be in line with the advice in the Design Guide for Extensions and Alterations Supplementary Planning Document (SPD), 2013 which indicates that for two storey rear extensions the roof form should reflect that of the main building, should normally be set lower than the main ridge and that flat roofs are generally unacceptable.
11. Moreover, the proposal would not be acceptable because whilst the SPD states that additional storeys or raised roofs may be permitted on detached properties, in this case the proposal would not respect the scale, roofline or the general appearance of the streetscene. In addition the proposal would be contrary to section 7 of the National Planning Policy Framework (the Framework) which seeks to achieve good design.

Living Conditions

12. The existing building is located approximately 1.5 metres from the boundary with no. 12 which in turn is located very close to the boundary. The proposed development would project some distance from the existing rear wall and would add considerable bulk at first floor level. Because of the proximity of the proposed development to the shared boundary with no. 12, it would, in my view result in an overbearing impact on the occupiers of that property and materially affect their enjoyment of their garden.
13. The proposed terrace is intended to provide better use of the rear garden and to overcome the shortcomings associated with the existing access. It would not be deep and may therefore be primarily used to access the garden from the internal living area. Nevertheless, in spite of some trees and other vegetation on the boundaries which could provide a degree of screening I find that the elevated position of the proposed terrace at first floor level would mean that its use would result in overlooking into neighbouring gardens, leading to a loss of privacy for occupiers of those properties. Although the steps close to the boundaries are described by the appellant as a secondary means of access their use would still result in a perception of overlooking for neighbours. Planting additional trees along the boundaries would not adequately mitigate this impact.
14. As the proposed living room and kitchen would be at first floor level there would be a greater likelihood that noise would emanate from this level than would be the case with the current arrangement of rooms. Moreover, whilst accepting that the use of the garden, which is at a higher level than the proposed terrace, could cause noise the impact of noise from the elevated terrace would in my view be potentially more harmful because of its proximity to the living area and would be unlikely to be adequately mitigated by sound proofing.
15. Neighbouring occupiers raised concerns about the effect on privacy of the proposed windows at ground floor level. The new windows in the western elevation facing no. 10 would be set at a low level and primarily face existing boundary walls. New windows would also be inserted into the eastern elevation which currently has none but these too would generally face a blank boundary wall and therefore I am not convinced that the proposals would result in overlooking or a loss of privacy. I therefore find that the introduction of new windows would not adversely impact upon the privacy of neighbouring occupiers.
16. Nevertheless, I find the proposed development to be contrary to Policy QD14 of the Local Plan in that it would be harmful to the living conditions of occupiers of 12 Tongdean Rise due to an overbearing impact and would result in a loss of privacy and cause significant noise disturbance to adjoining neighbours. It would also be contrary to Policy QD27 which requires development to avoid causing material nuisance and loss of amenity to adjacent occupiers.
17. The proposal would have a harmful impact on the amenities of adjacent residents by way of an overbearing impact contrary to the advice in the SPD and would 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

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

Kevin Gleeson

INSPECTOR