



Appeal Decision

Site visit made on 4 October 2017

by Mr Kim Bennett DipTP MRTPI

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

Decision date: 11 October 2017

Appeal Ref: APP/Q1445/D/17/3179847
25 Rutland Road, Hove, BN3 5FF

- 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 James Lever against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00415, undated but received by the Council on 7 February 2017, was refused by notice dated 8 May 2017.
 - The development proposed is a rear first floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for a rear first floor extension at 25 Rutland Road, Hove BN3 5FF in accordance with the terms of the application, Ref BH2017/00415, undated but received by the Council on 7 February 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: P001; P013; P015; P017; P113F; P115E; P117E and P119A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. In the interests of clarity I have altered the description of development from 'Rear 1F' as it appeared on the application form, to rear first floor extension as set out above.

Main Issues

3. The main issues are: the effect of the proposal on the character and appearance of the area and the host dwelling; and the effect on the living conditions of the occupiers of the neighbouring residential property No 27 Rutland Road.

Reasons

Character and appearance

4. The appeal property comprises an end of terrace two storey house on the corner of Rutland Road and Wordsworth Street. At the rear there is a two storey rear projection set in from the southern boundary by approximately 1.5metres. The adjoining property, No 27 Rutland Road, has a similar rear projection, but it extends further at single storey level and accommodates an open terrace above. No 25 also has a large rear dormer roof extension and both that and the rear projection are readily apparent in the street scene when viewed from Wordsworth Street. No 25 has a small rear garden and beyond that is the blank wall of the end of terraced house in Wordsworth Street, No 129.
5. The character of the area is wholly residential with terraces of similar age and similar relationships between corner properties and those to the rear in adjoining roads.
6. The Council is concerned that the extension would appear over dominant from the rear because of the proposed overhanging first floor, and would have a negative effect on the street scene.
7. However, the only significant difference from the existing situation would be a rear first floor element, extending just over 1 metre and cantilevered over the ground floor element. Because of the existing boundary wall/fence which is shown to remain as existing on the plans before me, I agree with the appellant that the cantilevered design would not be readily apparent in the street scene.
8. Whilst I acknowledge that the proposed extension would have a slightly more dominating presence than is currently the case, as noted above, the existing combined rear projection and rear dormer is already somewhat dominating and I do not consider the proposed changes would make a significant difference. In driving around the area I also noted that there are a variety of rear extensions to corner properties which are visible in the street scene, most with different designs and varying extent of rearward projections.
9. The proposed design would be similar in style to the existing rear projection, including the parapet roof and with white render to match the existing property. I therefore do not consider it would appear out of character with the existing property as a result.

Living conditions

10. The adjoining property No 27 Rutland Road has an extremely small rear yard as a result of its ground floor extension projecting well beyond the existing two storey projections of both Nos 25 and 27. The proposed first floor projection of the extension would not extend as far as No 27's ground floor extension and there would be no impact upon the rear of No 27 as a result. As noted above, No 27 has an open terrace on top of the ground floor extension with a door and small window leading on to that. A diagram in support of the application demonstrates that light reaching that door and window would not be obstructed by the '45 degree' rule and having assessed that situation on site, I agree with that assessment. Furthermore, given the size and open nature of

the existing terrace and the fact that the first floor projection would only extend 1 metre beyond the rear first floor wall of No 27, I do not consider there would be any significant enclosing effect which the Council is also concerned about. I also note that there has been a letter of support received from the occupiers of No 27 in the above respects which adds weight to my own findings.

Conclusions

11. Having regard to the above, I find that there would be no harm arising to the character and appearance of the host building or the area, nor to the living conditions of the occupiers of No 27 Rutland Road. The proposed development would therefore comply with Saved Policies QD14 and QD27 of the Council's Local Plan (retained policies March 2016) in that it would be well designed and sited in relation to the property, would take account of the character of the area, and would not result in harm to the amenity of neighbouring properties.
12. Although it would not be compliant with all aspects of the Council's Supplementary Planning Document 'Design Guide for Extensions and Alterations' 2013 in respect of there being less than a 7 metre gap to the rear of the building, that is not presently the case, nor is it part of the character of the area. It is therefore not strictly necessary in this instance.
13. Conditions requiring the development to be built in accordance with the approved plans and for matching materials are necessary in the interests of certainty and visual amenity.
14. Accordingly, subject to the above conditions, the appeal is allowed and planning permission granted.

Kim Bennett

INSPECTOR

