



Appeal Decision

Site visit made on 18 December 2018

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2019

Appeal Ref: APP/Q1445/W/18/3205709

Flat 2, 3 St Aubyns, Hove, BN3 2TG

- 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 Judith Manson against the decision of Brighton & Hove City Council.
 - The application Ref BH2018/00301, dated 30 January 2018, was refused by notice dated 13 April 2018.
 - The development proposed is single storey extension to courtyard garden connected to non original kitchen addition.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) The effect of the proposal on the character and appearance of the host building and the Old Hove Conservation Area; and
 - ii) The effect of the proposal on the living conditions of the occupiers of the neighbouring lower ground floor flat, with particular reference to light, outlook and sense of enclosure.

Reasons

Character and appearance

3. The appeal property is a ground floor flat within an attractive period four storey terraced property with further accommodation within its roof and a lower ground floor level located within Old Hove Conservation Area. This part of the Conservation Area is characterised by highly attractive period properties, with mainly original individual villas or semi-detached properties on the western side of St Aubyns and mainly terrace properties on the eastern side, with gardens backing onto Seafield Road. Buildings are stuccoed and mostly on four floors with basements, some also having roof additions. Fine decorative railings are a particular feature. Part of the significance of this part of the Conservation Area is its uniformity; with some buildings little altered which allows the architectural character of the area to survive. This uniformity also extends to the rear elevations which whilst some have been altered, the original form and materials are still evident.

4. The proposed rear extension would be at ground floor level and would extend off the back of what is described as a non original kitchen within a tight and restricted garden area. The proposed extension would be of a contemporary design with the layout and roof design split into sections of varying height and pitch. It would be constructed mainly of dark silver standing seam cladding which would contrast significantly with the rear of the terrace which is uniformly finished in cream render.
5. The proposed extension would appear out of character with the existing property by virtue of both its design and materials, which are not characteristic of the property or the Conservation Area within which it is located. The proposal would be contrary to advice contained within SPD12: Design Guide for Extensions and Alterations (June 2013). This guidance states that all extensions to buildings within Conservation Areas should be completed to a high standard of design, with materials and detailing matching exactly those of the host building.
6. The proposed extension would also breach the rear building line of the terrace. Views of the extension would be obtainable from Seafield Road, in between the buildings and also over the top of the low rise garages. The proposed extension, due to its positioning, size and design would be incongruous and would stand out against the rear of the existing terrace, appearing as an overly dominant and obtrusive addition. Consequently, the proposal would harm the character and appearance of the Conservation Area.
7. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The proposal would have a negative effect on the significance of a designated heritage asset and would result in "less than substantial" harm in the words of the National Planning Policy Framework (July 2018). No public benefits have been put forward to weigh against this harm.
8. Overall the proposal would harm the character of the existing building and would fail to preserve the character and appearance of the Conservation Area. It would be contrary to Policy HE6 of the Brighton & Hove Local Plan 2005 and Policy CP15 of the City Plan Part One 2016 which require the City's historic environment to be preserved and enhanced through a high standard of design. The proposal would also be contrary to the more general provisions of Policy QD14 of the Brighton & Hove Local Plan which requires a high standard of design and the use of materials which are sympathetic to the parent building.

Effect on living conditions

9. Windows on the rear elevation of the lower-ground floor flat are already restricted in terms of the amount of light they receive and their outlook, partly due to the existing retaining wall. The proposed rear extension would extend beyond the side wall of the existing kitchen extension and due to its height and design, would be overbearing and would lead to a further loss of light and a harmful sense of enclosure to these windows. The proposal would therefore result in harm to the living conditions of occupiers of the lower ground floor flat. I appreciate that the proposal would enlarge the internal living space which would benefit the occupier of the property. However, the reduction in outdoor amenity space would be detrimental to the overall use of the property. Consequently, the proposal would be contrary to Policy QD27 and HO5 of the

Brighton & Hove Local Plan which seek to protect the amenity of existing residents and provide for private amenity space.

Conclusion

10. For the reasons set out above I conclude that the proposal would be harmful to the character of the existing building and would fail to preserve or enhance the character and appearance of Old Hove Conservation Area. It would also harm the living conditions of occupiers of the adjacent lower ground floor flat. It would therefore conflict with the development plan as a whole. There are no material considerations that indicate a decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

J Davis

INSPECTOR

