



Appeal Decision

Site visit made on 25 August 2009

by **C J Leigh BSc(Hons) MPhil(Dist) MRTPI**

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

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**Decision date:
22 September 2009**

Appeal Ref: **APP/Q1445/A/09/2102361**

74 Pankhurst Avenue, Brighton. East Sussex BN2 9YN

- 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 Jacob Chadwick against the decision of Brighton & Hove City Council.
- The application Ref. BH2008/03354 was dated 15 October 2008 and was refused by notice dated 23 December 2008.
- The development proposed is described as 'side extension and conversion of roof space'.

Preliminary matters

1. I consider the Council's description of the proposed development more accurate than the appellants' and so have decided this appeal on that basis, namely the erection of a two storey side extension and side and rear roof extension including hip to gable, incorporating rooflights, solar panel and wind generator.

Decision

2. I allow the appeal and grant planning permission for the erection of a two storey side extension and side and rear roof extension including hip to gable, incorporating rooflights, solar panel and wind generator at 74 Pankhurst Avenue, Brighton. East Sussex BN2 9YN in accordance with the terms of the application (ref: BH2008/03354, dated 15 October 2008) and the submitted plans with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) No development shall take place until the full technical specifications of the solar panels and wind turbine have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved detail.
 - 4) No part of the flat roof shown on the approved 'attic plan' drawing in the development hereby approved shall be used as a balcony, roof garden or similar amenity area.

Reasons

3. The appeal property is a semi-detached house situated within an estate of 1950s urban housing. The surrounding area has a reasonable degree of consistency in its appearance, scale and use of materials. The corner location

of No. 74 creates an awkwardly-shaped garden and also provides clear views of the side extension, particularly along Glynde Road.

4. The proposed side extension does not, in the main, seek to replicate the existing form, architecture or materials in the host property. Instead, it is a conscious attempt at extending the house in a contemporary fashion, and in my opinion admirably achieves this goal. The curved form of the side extension would elegantly deal with the difficult geometry of the site, resulting in an extension that would appear well-mannered and appropriately-scaled. Its form would complement the flow of the complex, but balanced, pitched roof above and its dynamic glass wall. I consider the roof would appear as an innovative structural form sitting atop the curved side extension, whilst also relating well to the host property and the rear dormer extension.
5. The muted palette of materials has evidently been chosen to articulate the side extension as a clear modern addition, yet would not unduly compete with the host property or surrounding area. The drawings show the careful positioning of windows which I think would break up the elevations and roof form.
6. The design of the roof makes provision for the installation of the proposed wind turbine. This is larger than might commonly be seen on a residential property, but I note the appellant's submission that such a size and position is needed in order for it to be effective in this particular location. I consider the turbine would be viewed as a clear modern addition to the house that forms part of the modern extensions beneath. It would thus seem part of the contemporary changes to the property and not appear intrusive to the wider area. I am also mindful of the advice in PPS1: Delivering Sustainable Development that seeks the promotion of renewable resources, including small-scale renewable and low carbon energy schemes in developments. Thus, in my view, the existence of the turbine would be both an appropriate addition to the house and an illustration of development consistent with national policy objectives seeking the prudent use of natural resources.
7. I acknowledge that the design of the proposed side extension and the alterations to the roof would not accord with certain aspects of the Council's Supplementary Planning Guidance Note 1: Roof Alterations & Extensions. However, it is my opinion that, in this instance, the proposed design is of sufficiently high quality to outweigh the detailed criteria set out in that document. Thus, I consider the proposed extensions and additions to the property would accord with the fundamental objectives of the relevant saved policies of the adopted Brighton & Hove Local Plan 2005 that seek a high standard of design, namely Policies QD1, QD2 and QD14.
8. I saw there is currently a good degree of mutual overlooking between properties in the area, and the windows shown in the proposed extensions would not materially change the levels of privacy for existing occupants. The proposed first floor terrace at the front of the property would not look towards private garden areas and, with a suitable planning condition, access could be prevented to the proposed the side flat roof area (as indicated on the 'attic plan' drawing). The scale and position of the proposed extensions would not lead to any loss of light or overbearing impact to adjoining occupiers. Thus, the proposed extensions would accord with the objectives of saved Policy QD27 of the Local Plan.

9. For the reasons given, and having regard to all other matters raised, it is my conclusion that the appeal should succeed. I have granted permission accordingly. I have attached the Council's conditions requiring the submission of further details regarding the materials to be used in the extensions and details of the solar panels and wind turbine, to ensure a satisfactory appearance to the development. I have also attached a condition restricting use of the side flat roof area as a terrace, as was referred to in the Council's Delegated Report, for the reasons stated earlier.

C J Leigh
INSPECTOR

