



Appeal Decision

Site visit made on 25 January 2011

by Christopher Gethin MA MTCP MRTPI

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

Decision date: 14 February 2011

Appeal Ref: APP/Q1445/A/10/2140160
8 St Aubyns, Hove, Sussex BN3 2TB

- 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 Ms S Nimmy against the decision of Brighton and Hove City Council.
 - The application ref. BH2010/02102, dated 8 July 2010, was refused by notice dated 6 September 2010.
 - The development proposed is a single-storey rear extension.
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Decision

- 1 I allow the appeal, and grant planning permission for a single-storey rear extension at 8 St Aubyns, Hove, Sussex BN3 2TB in accordance with the terms of the application, ref. BH2010/02102, dated 8 July 2010, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved drawing numbered 200.
 - 3) No development shall take place until details of the materials and finishes to be used for 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.

Main Issues

- 2 The principal issues are
 - a) the effect of the proposed development on the character and appearance of the host building and the area, bearing in mind the location of the appeal site within the Old Hove Conservation Area and adjoining a listed building
 - b) its effect on the living conditions of the occupiers of adjoining dwellings.
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Reasons

- 3 The appeal site is part of the rear garden of a mid-terraced building near the seafront in Hove. The building is part of a fine late Victorian terrace arranged in four storeys over basement; the terrace curves round the corner (towards St Aubyns Gardens) and the corner properties nos 2, 4 and 6 (adjoining no.8) are listed Grade II. The site is located within the Old Hove Conservation Area, characterised in this locality by imposing stuccoed terraces.
- 4 The proposal is for an extension to the rear ground-floor flat. It would comprise two elements – a block set close to the sunken courtyard to the rear of the basement flat, and a linking passageway to the existing (single storey over basement) rear return of the building. The main block would be set 0.8m away from the boundary with the adjoining listed building, and would have a shallow mono-pitched roof. The existing incongruous blockwork wall and steps would be demolished.
- 5 In the context of the undistinguished rear façade of the terrace, I consider that the simple, legible and uncluttered design of the two elements of the proposed extension would be entirely acceptable. While its form and size might be inappropriate elsewhere, I consider that on this particular site it would appear neither bulky, intrusive or disproportionate in relation to the four storeys of the terrace and the long rear garden.
- 6 I conclude that the proposed development would be acceptable by reference to 'saved' policies QD14, HE3 and HE6 of the 2005 Brighton and Hove Local Plan. It would preserve the character and the appearance of the Old Hove Conservation Area and would not harm the setting of the adjoining listed building.

Living conditions

- 7 The main block of the extension would be set 2.3m away from the edge of the basement courtyard. From the window in the rear elevation of the basement flat, the block would be just visible beyond the rear wall of the courtyard. I consider that the proposed development would not materially harm the outlook from this window, nor take daylight from it.
- 8 In the context of the existing boundary wall on the north side and the fire escape which projects into the garden from the rear of no.10, I consider that the proposed development – at a maximum height of 2.9m – would not have an unduly overbearing effect on this property. The main block would be set 0.8m away from the southern boundary and likewise would not have an unacceptably overbearing effect on the tapering ends of the adjoining rear gardens.
- 9 I conclude that the proposed development would not materially harm the living conditions of the occupiers of adjoining dwellings, and would be acceptable by reference to policy QD14 of the Local Plan.
- 10 For the above reasons, and taking all other matters into consideration, I conclude that the appeal should succeed. For the avoidance of doubt and in the interests of proper planning, it is necessary to include a condition requiring that the development be carried out in accordance with the approved drawings.

I consider that the Council's suggested condition requiring the submission of samples of the materials and external finishes is reasonable and justified in order to ensure a satisfactory external appearance.

Christopher Gethin

INSPECTOR

