



Appeal Decision

Site visit made on 4 October 2011

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

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

Decision date: 10 October 2011

Appeal Ref: APP/Q1445/D/11/2159136
84 Bernard Road, Brighton, BN2 3EQ

- 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 Rob Lane, against the decision of Brighton and Hove City Council.
 - The application Ref BH2011/01309, dated 9 May 2011, was refused by notice dated 11 July 2011.
 - The development proposed is described as 'an additional storey to an existing dwelling house to create a second floor'.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in this appeal are the effect of the proposed development on, firstly, the character and appearance of the surrounding area and, secondly, the living conditions of adjoining occupiers with particular reference to light and outlook.

Reasons

Character and appearance

3. I am informed the appeal property originated as the rear closet wing section to 54 Hartington Road, but is now a self-contained dwelling. It is, though, still attached to that dwelling and, although there have been alterations and lateral extensions, there remains a strong visual relationship with the Hartington Road properties. This relationship stems most strongly from the height of the rear wing which, at two storeys, is consistent with the closet wing projection to the adjoining property of 56 Hartington Road to which it is attached, and the other two storey rear projections along the terrace. The other consistent elements is the fact that the two storey rear projections are all flat roofed and do not raise above the eaves level of the main buildings facing Hartington Road. This allows the roofs of the Hartington Road properties to be appreciated and leads to little visual prominence to the rear closet wings.
 4. The proposed extension to 84 Bernard Road would see an additional storey. I acknowledge that the contemporary architecture and the form of the extension have been designed to give the impression of a separate building to the original house, and that such an approach was chosen instead of a pitched roof design.
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But the resulting increase in height would lead to a discordant imbalance with the adjoining property and with the others in the Hartington Road terrace: those properties would remain with rear projections that rise no higher than eaves height, whereas the altered appeal property would appear much at odds with this established character. The disparity and excessive height above the eaves level of the main property would thus appear intrusive and unduly prominent in the area.

5. The existence of the three storey properties on the opposite side of the road does not alter this conclusion: those were clearly designed as a small infill development fronting the street and display a different relationship with their neighbours to the harmful one that would occur from the scheme proposed in this appeal. Similarly, the granting of permission for contemporary extensions at other properties in the City does not alter the findings in this case, which has been determined on its own merits.
6. The conclusion on the first issue is therefore that the proposed extension would be harmful to the character and appearance of the surrounding area, and this would be contrary to Policies QD2 and QD14 of the Brighton and Hove Local Plan 2005, and the Council's Supplementary Planning Guidance Note 1: Roof Alterations & Extensions (1999) which, amongst other matters, seek to ensure well designed development and alterations to properties, which emphasise and enhance the positive qualities of the local neighbourhood.

Living conditions: light and outlook

7. There is a dormer window to the rear of the adjoining property of 56 Hartington Road. The proposed extension would be sited around 1m away from this window and run the depth of the appeal property: along the party wall with the projection to No. 56 which would remain two storey height, and across which that dormer has an outlook.
8. The appellant has submitted drawings demonstrating shadow patterns reaching the dormer window, and has drawn attention to a guideline figure contained within Policy QD14 of the Local Plan which refers to the Building Research Establishment (BRE) publication Site Layout Planning for Daylight and Sunlight (1991). I acknowledge that some of the information submitted by the appellant appears to show some conformity with the BRE guidance. However, from observations on site and review of the submitted drawings, it does appear that the proximity of the proposed extension combined with its height and projection do have the potential to materially harm the levels of light to occupiers of No. 56. Furthermore, those features of the extension also lead to concerns regarding the effect upon the outlook of occupiers and the question of whether there would be an unduly overbearing impact. Without a full and detailed assessment of the effect of the proposals on these matters then it cannot safely be concluded that the proposed extension would not be harmful to the levels of light and outlook to neighbouring residents.
9. Based on the submitted information, on the second issue the conclusion is therefore that the proposed extension would be harmful to the living conditions of adjoining occupiers and so be contrary to Policy QD14 of the Local Plan.

C J Leigh

INSPECTOR
