



Appeal Decision

Site visit made on 7 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: 26 October 2011

Appeal Ref: APP/Q1445/A/11/2154926
19-20 Westbourne Villas, Hove, BN3 4QG

- 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 Baron Homes Corporation Ltd, against the decision of Brighton and Hove City Council.
 - The application Ref BH2011/00310, dated 3 February 2011, was refused by notice dated 5 April 2011.
 - The development proposed is a second floor rear extension to form one additional flat.
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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 Sackville Gardens Conservation Area and, secondly, the living conditions of existing occupiers.

Reasons

Character and appearance

3. The appeal property is a substantial building divided into flats, which has an attractive frontage and presence to Westbourne Villas and makes a positive contribution to the character and appearance of the Sackville Gardens Conservation Area. The wider area contains a mix of family houses and flats and there is an pleasant, mature residential character to the street.
 4. The architectural integrity of the rear of the appeal property has been compromised by the large extension which is imbalanced, being two storey to the rear of No. 20 and three storey to the No. 19; the third storey being tile-hung and flat roof. This extension relates poorly to the host property and dominates the building and back garden area with Sackville Gardens, and the imbalance highlights this prominence. Balconies and external staircases further emphasise the extension.
 5. The proposed development would see an additional storey to the 2-storey element of the extension and so match the 3rd storey tile-hung extension. Whilst there might be benefits from introducing a sense of balance to the rear of the property, by mirroring the design of an insensitive and prominent addition, the prominence and intrusion of the rear addition would be
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emphasised. The resulting rearward projection would appear dominant and imposing to the back garden location and further upset the integrity of the original building. Thus, harm would be caused to the character and appearance of the Conservation Area, which would be contrary to Policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan 2005, which seek to ensure a high standard of design in the area that takes account of the local characteristics of the area, including conservation areas.

Living conditions

6. There is a window serving a bed-sit dwelling within the appeal property that adjoins the existing flat roof where the new extension is proposed. It is evident from the submitted information and observations at the site visit that occupants of that dwelling rely on good light through that window for a reasonable standard of internal accommodation.
7. The proposed extension would be located to the south of this window. The close proximity, depth and height of the extension give me concerns that there would be an appreciable and material loss of light and outlook to that window. Based on the submitted information this leads me to conclude that harm to the living conditions of existing occupiers would be adversely affected. The removal of the flat roof and the potential for disturbance from use of that area does not outweigh this matter. Thus, the proposal would be contrary to Policy QD27 of the Local Plan which, amongst other matters, seeks to ensure new development is not harmful to the living conditions of existing residents.
8. The distance retained from the proposed extension to the adjoining properties to the north and west would be sufficient to ensure no overbearing effect or loss of light to neighbouring residents. However, this does not alter the above findings and consequent conflict with the relevant Policy QD27 of the Local Plan.

Other considerations and conclusion

9. The proposed development would lead to a more intensive use of the appeal site through the provision of an additional small dwelling. I am informed by the Council there is a need for small dwellings, and the size and layout of the dwelling would provide suitable accommodation. An additional dwelling in this locality is therefore in principle acceptable.
10. However, the proposals in this appeal would lead to a form of development that is harmful to the character and appearance of the surrounding area and the living conditions of existing occupiers. These matters outweigh the provision of an additional dwelling and the appeal is dismissed.

C J Leigh

INSPECTOR