



Appeal Decision

Site visit made on 27 November 2013

by S Holden BSc MSc CEng TPP MRTPI FCIHT

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

Decision date: 3 December 2013

Appeal Ref: APP/Q1445/D/13/2207651

49 Sackville Gardens, Hove, East Sussex BN3 4GJ

- 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 Edward Shuttleworth against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/01809 was refused by notice dated 30 July 2013.
 - The development proposed is enlargement of kitchen under approved application BH2013/00923 to construct rear single-storey extension in Conservation Area and addition of roof dormer and Conservation type rooflights to rear roof including removal of two velux rooflights. Inclusion of extra information on dormer window to remove previous condition.
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Decision

1. The appeal is allowed and planning permission is granted for erection of single-storey rear extension, removal of 2 No rooflights and creation of dormer to rear roofslope, insertion of 3 No rooflights to rear side facing roofslope at 49 Sackville Gardens, Hove BN3 4GJ, in accordance with the application Ref: BH2013/01809, dated 4 June 2013 subject to the following conditions:
 - 1) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 2) The development shall not be carried out other than in complete accordance with the details shown on the submitted plans, numbers: CH534/001B, CH534/002, CH534/003, CH534/004, CH534/005B, CH534/006B, CH534/007B and CH534/009.
 - 3) The rooflights hereby permitted shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.
 - 4) Access to the flat roof of the extension hereby permitted shall be for maintenance or emergency purposes only and shall not be used as a roof garden, terrace or similar amenity area.
 - 5) No development shall take place until 1:20 scale elevation drawings and detailed section drawings showing the window design and frame details of the proposed rear dormer window hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Procedural matter

2. The Council's decision notice simplified the description of the development to: 'erection of single storey rear extension, removal of 2 No rooflights and creation of dormer to rear roofslope, insertion of 3 No rooflights to rear side facing roofslope'. I have used this more succinct description in my determination of the appeal.

Main issue

3. The main issue is the effect of the proposed extension and roof alterations on the character and appearance of the host property. As the property lies within the Sackville Gardens Conservation Area I also have a statutory duty to consider whether or not the development would preserve or enhance the character or appearance of that Area.

Reasons

4. The Sackville Gardens Conservation Area is predominantly characterised by large semi-detached dwellings, most of which appear to have been built at the end of the 19th century. Many original features have been retained. No 49 is one of these well-proportioned semis set in a small plot. It has a substantial two-storey outrigger at the rear of the dwelling.
5. The Council granted planning permission for a rear extension and alterations to the roof in June 2013, Ref: 2013/00923, subject to various conditions. The appeal proposal differs only insofar as the rear extension would be 4.5m in depth instead of 4m. It would therefore occupy an increased proportion of the depth of the outrigger. Although the pair of sash windows that currently occupy the sidewall of the house would be lost to this elevation, it is intended that they will be re-used on the rear elevation of the extension.
6. The flank wall of the proposed extension would not include any windows or architectural features and could therefore have a bland appearance. However, it is not a wall that is visible from any public viewpoints and is not excessively long when compared with the depth of the outrigger or the flank elevation of the house as a whole. In the context of the overall size of the host property, the enlarged extension would be a modest addition that would be subservient to it. I am therefore not persuaded that it would have an unduly dominant appearance. Furthermore, as the shared boundary with No 47 is currently only a low wall, the insertion of any windows or doors would be likely to attract objections relating to loss of privacy for the adjoining occupants.
7. The Council adopted its Supplementary Planning Document: *Design Guide for Extensions and Alterations* (SPD12) after it approved the earlier scheme. I have therefore considered the proposal in the light of the advice set out in this document alongside the existing permission. The SPD includes specific guidance in relation to extensions on properties with outriggers as it seeks to prevent overly large extensions that overwhelm the original dwelling. However, as the appeal proposal does not project as far as the existing outrigger, does not wrap around it, or result in the replacement of a boundary wall or fence, it would comply with these aspects of the SPD. The height of the proposed extension has been determined by the ceiling heights within the host property and to ensure effective integration with the existing structure. The additional height above the recommended 2m is therefore justified in this case and, in my view, is in proportion with the host property.

8. Government policy in respect of the historic environment is set out in the National Planning Policy Framework. Paragraph 126 advises that heritage assets should be recognised as an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. Any harm, which is less than substantial, must be weighed against the public benefit of the proposal. This approach is reflected in saved Policy HE6 of the Brighton & Hove Local Plan, which requires development within conservation areas to preserve or enhance the character or appearance of the area. As the proposed extension is entirely to the rear of the property, would comply with the objectives of SPD12 and would not result in the loss of historic features that are worthy of retention, I am satisfied that the Area would not be harmed.
9. The Council considered the effects of the proposed dormer window and rooflights on the appearance of the host property, taking account of the guidance set out in SPD12 and the location of the dwelling within the Sackville Gardens Conservation Area. It concluded that these alterations would not give rise to harm to the host property or the conservation area. I see no reason to take a different view.
10. I therefore conclude that the proposal would not be harmful to the character and appearance of the host property and that the Sackville Road Conservation Area would be preserved. The proposal would comply with saved Policies QD14 and HE6, which require development to be of a high quality and respect its setting, especially in areas protected for their historic interest.

Other matters

11. I note that the occupant of No 47 raised concerns about the potential for overshadowing and loss of privacy arising from the development. The Council considered these matters and concluded that there would be no undue loss of amenity for these neighbours. I concur with this assessment and consider that the scheme would comply with the advice set out in SPD12 in relation to effects on adjoining occupiers. On my site visit I saw that some vegetation along the shared boundary been removed and this has resulted in greater inter-visibility between the gardens. However, since this did not require planning permission it is not a matter for me to address in the context of this appeal.

Conditions

12. The Council imposed a series of conditions on the previous application, Ref: BH2012/00293 and I have considered these having regard to the similarities between the two schemes. As work has already begun the standard time limit condition is not required. Conditions requiring matching materials and specifying the rooflights are needed in the interests of the appearance of the development. It is necessary that the development shall be implemented in accordance with the approved plans and therefore a condition specifying the plans is required for the avoidance of doubt and in the interests of proper planning. A condition restricting access to the roof of the extension is justified to protect the privacy of the adjoining occupier.
13. I note that the appellant submitted additional details in relation to the rear dormer window with the appeal in the expectation that the condition on the previous permission could be discharged. However, it is more appropriate for these details to be approved by the local planning authority. I have therefore imposed this condition for avoidance of doubt and the sake of consistency.

Conclusion

14. For the reasons set out above, and having regard to all other relevant matters raised, I conclude that the appeal should be allowed, subject to conditions.

Sheila Holden

INSPECTOR