
Appeal Decision

Site visit made on 25 November 2013

by Michael Boniface MSc MRTPI

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

Decision date: 10 December 2013

Appeal Ref: APP/Q1445/A/13/2205009

Flat 03, Derwent Lodge, 103 Buckingham Road, Brighton, BN1 3RB

- 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 Shelaine Siepel against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/01121, dated 8 April 2013, was refused by notice dated 17 June 2013.
 - The development proposed is an additional storey above top floor flat (extension to flat 03).
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Decision

1. The appeal is allowed and planning permission is granted for an additional storey above the top floor flat (extension to flat 03) at Flat 03, Derwent Lodge, 103 Buckingham Road, Brighton, BN1 3RB in accordance with the terms of the application, Ref BH2013/01121, dated 8 April 2013, subject to the conditions contained in the attached schedule.

Main Issue

2. The main issue is the effect on the character and appearance of the appeal property and the West Hill Conservation Area.

Reasons

3. Buckingham Road is a pleasant residential street comprising pairs of substantial three storey Victorian villas. Buildings stand at various levels to account for the local topography which slopes steeply upwards towards Dyke Road. The appeal property forms a top floor flat within a 1960's style block standing on the junction of Buckingham Road with Dyke Road. The utilitarian form and design of the building is in stark contrast with the traditional Victorian architecture surrounding.
4. Derwent Lodge stands at a height just above the eaves level of the adjacent Victorian building, 101 Buckingham Road. On the other side, and adjoining, is Derwent Court which is read as a single block of flats along with the building containing the appeal property. However, this part of the building rises to a much greater height, stepping up from the level of Derwent Lodge by an additional two storeys when viewed from Buckingham Road. This includes a protrusion from the roof, similar to that now proposed. This creates a jarring discord between Derwent Lodge and Derwent Court through an abrupt change in height.

5. The proposed extension would stand above Flat 03, helping to bridge the change in height between Derwent Court and No.101. The topography of the area is important to its character, resulting in buildings along Buckingham Road creating stepped roof lines which increase in height as they progress up the hill. As such, each building tends to be slightly taller than the neighbouring pair of villas and I see no reason why Derwent Lodge should be an exception to this characteristic.
6. The addition would be set back from the front and rear elevation of the principal building, identifying it as a later addition and reducing its mass. The use of a contrasting white render would further assist in this respect and this is again in keeping with the existing roof protrusion adjacent. The relationship between Derwent Lodge and No.101 is particularly poor when viewed from the park to the rear where the modern interventions that have joined the two buildings are particularly prominent. The proposed extension would be seen in this context and would have little visual impact from this viewpoint.
7. Whilst the overall height, mass and bulk of the existing block of flats comprising of Derwent Lodge and Derwent Court is anomalous within the streetscene, the proposed small scale addition would not materially increase this. In fact, the small addition would improve the visual relationship between the block and the adjacent residential building and contribute to the character of the area, enhancing its significance, through a more appropriate stepping up in height in accordance with land levels.
8. I conclude that the development would not harm the appearance of the appeal property or the block of flats it forms a part of. Furthermore, the improved relationship with the adjacent Victorian building would enhance the character or appearance of the West Hill Conservation Area. I find no conflict with policies QD14 and HE6 of the Brighton and Hove Local Plan (2005) which together, seek to achieve high quality design that respects local character, particularly in the conservation area.
9. I note concerns raised by a neighbour to the site with regards to overshadowing, overlooking and loss of privacy. However, the Council have concluded that no impact on living conditions would result given the siting of the proposed extension relative to the neighbouring buildings and I agree with this assessment. The proposed extension is well removed from neighbouring windows and would have a similar outlook to the existing flats towards the public realm.
10. In light of the above, and having considered all other matters, the appeal is allowed.
11. The Council has suggested a number of conditions in the event that the appeal was allowed. I have imposed the statutory time period for commencement of development and a condition requiring accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have also found it necessary to require samples of the proposed materials, finishes and detailed design of the guarding, privacy screens and openings to ensure an appropriate appearance and to protect the character of the conservation area.

Michael Boniface

INSPECTOR

Schedule of 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 following approved plans: 0237.EXG.001, 0237.EXG.002, 0237.PL.001 and 0237.PL.002.
- 3) No development shall take place until samples of the materials to be used (including colour of render, paintwork and other finishes) in the construction of the external surfaces of the extension 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.
- 4) No development shall take place until full details of the glazed guarding and privacy screen, including 1:20 scale elevation drawings and sections, have been submitted to and approved in writing by the local planning authority. The approved guarding and privacy screen shall be completed prior to occupation of the extension hereby permitted and thereafter retained.
- 5) No development shall take place until full details of all new windows and doors, including 1:20 scale elevation drawings and sections, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and thereafter retained as such.