



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: 5 December 2013

Appeal Ref: APP/Q1445/D/13/2207681

50 Waldegrave Road, Brighton, BN1 6GE

- 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 Ronald Gray against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/02084 was refused by notice dated 21 August 2013.
 - The development proposed is a single new storey side and rear extension and conversion of existing loft space including new conservation rooflight to the front street elevation and rear dormer.
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey side and rear extension and conversion of existing loft space including new conservation rooflight to the front street elevation and rear dormer at 50 Waldegrave Road, Brighton BN1 6GE, in accordance with application Ref: BN2013/02084, dated 23 June 2013, subject to the following conditions:
 - 1) The development hereby permitted shall not be carried out other than in complete accordance with the following approved plans: Drawing Nos: L-001, L-002, L-003 and L-004.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) Access to the flat roof over the extension hereby permitted shall be for maintenance or emergency purposes only and the flat roof shall not be used as roof garden, terrace, patio or similar amenity area.

Preliminary matters

2. On my site visit I saw that works to construct the extension had largely been completed. However, my role in this matter is to determine the application on the basis of the plans submitted to, and determined by, the Council.

Main issue

3. The main issue is the effect of the extension on the character and appearance of the host property. As the house lies within the Preston Park 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. Waldegrave Road is a straight street characterised by two-storey, semi-detached dwellings that were originally constructed to an identical design. The houses have uniform features, are evenly set back from the road and are regularly spaced. This gives a strong sense of identity and rhythm to the street scene. The properties also have repeated features to the rear with paired, two-storey outriggers with pitched roofs. Their upper sections are highly visible above the low stone walls that separate the rear gardens.
5. The proposal is for a single storey rear extension that wraps around the outrigger and projects 2.6m into the rear garden. It would appear that what has been constructed partly replaces a rear conservatory that was previously attached to the outrigger. Whilst this is shown on the drawings, no other evidence was provided with the appeal to enable me to make an assessment of its effect on the site. However, although it appeared to occupy almost the full width of the outrigger, it would have been a lightweight structure primarily constructed of glass. It therefore enabled the original plan of the house to be retained. By contrast the current scheme involved removing the flank and rear walls of the outrigger in order to permit the creation of a large room at the back of the house. To the side is a mono-pitched roof that includes three rooflights and to the rear the extension has a flat roof.
6. My attention has been drawn to two appeal decisions, which are material to my consideration of the appeal proposal. Firstly, in July 2011, a large extension was granted permission on appeal at No 52, the immediately adjoining property, Ref: APP/Q1445/D/11/2151879. It would appear that in this case there was a pre-existing flat roof side extension and a rear conservatory that were replaced by the proposal. Nevertheless, at that time the Council raised no objection to the effects of the proposal on the character and appearance of the host property or the Conservation Area. The main issue was the effect of the development on the living conditions of adjoining occupiers. The Inspector found there would be no material harm to the amenity of neighbours and therefore allowed the appeal.
7. Secondly, in April 2013, another colleague considered a proposal for a similar extension at No 58, Ref: APP/Q1445/D/13/2193437. He noted that the proposal would be seen from the adjoining residential curtilages and buildings. However, having regard to its scale, design and position, which was concealed from the wider street scene, he concluded that it would not materially impact on the character or appearance of the Conservation Area. In his view, additions to other nearby dwellings had been made without causing detriment to the Area. He therefore allowed the appeal.
8. However, since these decisions were taken the Council has adopted a new Supplementary Planning Document: *Design Guide for Extensions and Alterations* (SPD12). This is a matter to which I attach significant weight and it sets out the Council's specific approach to rear extensions that affect houses with outriggers. SPD12 advises that infill extensions should not normally extend beyond the rear wall of the outrigger or wrap around the rear elevation. The objectives of this advice are to preserve the original plan of the building and to prevent harm to the amenity of the adjacent residents. SPD12 also advises that extensions should not dominate or detract from the original building or the character of an area. They should play a 'supporting role' that respects the design, scale and proportions of the host building.

9. In this case a gap has been retained between the extension and the adjoining property, No 52, due to the fact that these houses are semi-detached rather than terraced. The Council has not objected to the scheme in respect of its effects on the adjoining occupiers and I concur with this assessment. In this respect the scheme complies with the advice of SPD12 and the only conflict therefore relates to the loss of the original plan of the house.
10. No 50 has a paired outrigger with No 48. The symmetry of this has been lost as a result of the scheme. However, as the extension is low profile, this is only apparent from the immediately surrounding gardens. The uniformity of the roofs and first floor elements of the outriggers, which can be seen looking along rear elevations from the garden of No 50, has been retained. Furthermore, the projection of the extension into the rear garden is set in from the shared boundary with No 48 and is no deeper than that which has already been constructed at No 52. In this particular context, and given that this adjoining property is on higher ground, the overall scheme does not dominate the host property. In my view the scheme therefore complies with the guiding principle of SPD12 of appearing to be subordinate, notwithstanding the loss of the original form of the outrigger at ground floor level.
11. As the property lies within a conservation area, special attention has to be given to the effect of any alterations on historic assets. 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.
12. Although the rear of No 50 is not visible from any public viewpoints, the Victorian outrigger is a distinctive feature of this and other properties in the immediate vicinity. The cumulative loss of the original form of the dwellings could be considered to be harmful to the heritage assets within the conservation area.
13. The extension includes an awkward combination of a mono-pitched roof to the side of the house and a flat roof on the rear projection. However, although this does not fully respect the form and detail of the host property, its proximity to the flat roof of the extension at No 52, and its position on lower ground, reduce the potential for harm to the appearance of the host property and the wider conservation area. In coming to this view I have had regard to the fact that the rear-projecting element of the extension is low profile and views of it are confined to those from the gardens of the immediately surrounding houses.
14. I am mindful of the Council's aims set out in SPD12 to retain the form of the original dwellings. However, in this particular case, and given the immediately surrounding context, I am not persuaded that the effect of the extension would amount to material harm to the appearance of the host property. The development would also be neutral in relation to the preservation or enhancement of the Preston Park Conservation Area. I also note that the Council did not object to the development because of its effects on that Area.
15. The Council assessed the front facing rooflight and the rear dormer window to be appropriately designed and detailed. I see no reason to come to a different view.

16. I therefore conclude that the scheme would not be harmful to the character and appearance of the host property and that the Preston Park Conservation Area would be preserved. It would comply with saved Policy QD14 of the Brighton & Hove Local Plan, which requires alterations and extensions to respect their setting. It would also satisfy the Framework's requirement to conserve heritage assets in a manner appropriate to their significance. I therefore consider that the appeal should succeed.
17. It is not necessary to impose the statutory time limit as the development has already begun. However, I have imposed a condition specifying the plans for the avoidance of doubt and in the interests of proper planning. A condition requiring matching materials is required in the interests of the appearance of the development. In the event that the appeal was allowed the Council has also requested a condition preventing the use of the flat roof as an amenity area. I agree that this is necessary to protect the privacy of the adjoining occupiers.

Conclusion

18. 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