



Appeal Decision

Hearing and site visit held on 9
December 2008

by **M F Aldous BA (Hons), Dip Mgt, MRTPI**

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

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Decision date:
18 December 2008

Appeal Ref: APP/Q1445/A/08/2075706
5 The Sett, Portslade, Brighton BN41 2EN.

- 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 J Brookes against the decision of Brighton & Hove City Council.
- The application Ref BH2008/00585, dated 15 February 2008, was refused by notice dated 10 April 2008.
- The development proposed is a 2 storey side extension.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal property is part of a semi-detached pair forming two of the five dwellings within The Sett. This small enclave of dwellings is located within a considerably larger modern housing estate. The site is particularly apparent when viewed from Badger Close, which provides vehicular and the main pedestrian access to The Sett.
4. Within The Sett, three of the houses are arranged in a short terrace. Opposite however, numbers 4 and 5 have an angled relationship to that group with proportionately larger amenity space areas. Number 4 benefits from a modest single storey side extension.
5. The Council has clearly indicated that the principle of an extension, even two storeys in form is not at issue, and I observed from my site visit that there is sufficient space available for a development of this kind without undue damage to any local amenity considerations.
6. However, the proposal before me is for a very large, two storey side extension given the modest dimensions of the existing house. Indeed, if constructed the extension would almost double its floorspace. In addition, the proposed works would have a very considerable mass and bulk arising not only from the level of space proposed, but also from the fact that the extension would be hardly

- set back from the front elevation and would have a very similar height to the parent building, with little variation in ridge line.
7. These factors, together with the nature of the fenestration proposed would give the impression, when viewed from anywhere other directly in front of the dwelling, of creating a terrace comprising three houses, not the clearly defined semi detached pair that currently exists. In order to achieve this the frontage of the extended dwelling would extend close to the side boundary and when viewed from Badger Close the 'terracing' effect would be quite marked.
 8. In my view this would destroy the symmetry that currently exists with number 4 and would introduce an unbalanced and overdeveloped built form that would be incongruous and detrimental to the visual and spatial qualities that are apparent within The Sett.
 9. I acknowledge, as the Appellant has pointed out, that there is little direct technical advice contained within the local plan regarding extensions in terms of set backs, side spacing or subordination considerations. In this regard the Council clearly judges each proposal on its merits within the context of the prevailing street scene. It clearly did this in relation to this proposal and found it to be visually harmful and as such unacceptable.
 10. I agree with the Council and others that the proposal would represent a form of over extension that would impair the visual balance and sensitivities of this area. As such it is contrary to the requirements of saved policies QD1 and QD14 of the Brighton & Hove Local Plan of 2005.
 11. The Appellant drew my attention to another site where a favourable appeal decision was cited in support of the proposal before me (APP/Q1445/A/07/2058711). However, I note that that proposal featured a different type of property occupying a different position within its street scene. The nature of the extension proposed also differed markedly to that before me. As such I consider that the previous appeal decision does little to inform the arguments that are relevant in this case.

Conclusions

12. I have found that this proposal would represent a harmful form of overextension that would impair the visual and spatial balance and appearance of the surrounding area within The Sett. As such it is in conflict with the guidance contained within the adopted development plan.
13. Decisions should be made in accordance with the development plan unless other material planning considerations allow a departure to be entertained. In this case there are no such factors in my view. For the reasons set out above and having had full regard to all other matters raised, I therefore consider that this appeal should not succeed.

Michael Aldous

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mr M Lewis 25 St Nicholas Lodge, Church Street, Brighton BN1 3LJ.

FOR THE COUNCIL

Mr W Nee Planning Officer, Brighton & Hove City Council.

Mr J Hawkes Planning Officer, Brighton & Hove City Council.

DOCUMENTS

Document 1 Council letter giving notification of hearing arrangements.

PLANS

Plans 1-3 Application plans including site plan and drawings
numbered A356 01 and A356 02.

