
Appeal Decision

Site visit made on 27 January 2014

by K Stone BSc (Hons) DipTP MRTPI

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

Decision date: 5 February 2014

Appeal Ref: APP/Q1445/D/13/2210681
5 Benfield Way, Portslade, Brighton BN41 2DA

- 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 Harding against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/03081 was refused by notice dated 4 November 2013.
 - The development proposed is described as the removal of rear conservatory and replacement with two storey rear extension. Removal of flat roof front porch and construction of pitched roof front porch.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey rear extension replacing the existing conservatory and a pitched roof front porch replacing the existing porch at 5 Benfield Way, Portslade, Brighton BN41 2DA in accordance with the terms of the application, Ref BH2013/03081, dated 3 September 2013, subject to the following 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: CH547/001, CH547/002, CH547/003, CH547/004, CH547/005, CH547/006,
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

Procedural matter

2. The description of development on the Council's decision notice and the appeal form are different from that on the original application form. I have used the Council's description in my decision as it more concisely and accurately describes the development.

Main issue

3. The main issue in this appeal is the affect of the proposed development on the character and appearance of the existing property and surrounding area.

Reasons

4. The property the subject of this appeal is a previously extended bungalow with rooms in the roof space located in a reasonably generous plot. It is sited in a road of mixed character with properties of varying design and form. The land falls sharply from north to south and from east to west. The proposed two storey rear extension would accommodate a pitched roof with slopes similar to those on the existing dormers and a rear facing gable reflecting that on the original main building. In this regard the extension would be reasonably consistent with the design and features on the original property.
5. The two storey rear extension would be sited on the footprint of an existing conservatory, albeit slightly larger, adjacent to the garage of No.7 Benfield Way which lies directly to the north. This structure is set on a higher ground level and is deeper than the existing conservatory and the proposed extension and would thereby substantially shield the majority of the flank elevation of the proposed two storey extension from views from the north. Whilst the roof and upper element of the first floor would be visible over the top of the garage it would not intrude excessively into the general character and appearance of the area. Furthermore given the separation between the properties and the positioning of this extension to the rear it would not be readily visible in the general street scene.
6. The Council have noted that the extension would not significantly affect the outlook of the occupants of No.7 and given the change in levels, the position of the extension and the existing garage at No 7 I agree with this conclusion. On this basis I conclude that the proposed extension would not result in a harmful impact on the character and appearance of the area or the appearance of the existing property.
7. The Council have also commented that the proposed porch and narrow single storey side infill extensions are acceptable in design terms. Given their size scale and position associated with the variations in the street scene and relationships with the adjoining properties I find no reason to disagree with these conclusions.
8. The Council's SPD – Design Guide for extensions and alterations, adopted June 2013 advises that rear extensions if excessively large and poorly designed can be harmful to the appearance of the building and can reduce useable garden space for existing and future residents. Having regard to the main issue it further advises in respect of two storey rear extensions that the additional height also gives the extension greater visual prominence in the neighbourhood. Given the conclusions I have reached above I am satisfied that the proposed extension, taking account of the surrounding levels and relationships with the adjoining properties would not result in such effects. Moreover, as the footprint sits substantially on that of an existing conservatory there would be no loss of useable garden. Having regard to the design of the extension, the roof pitches, separation from the boundary and the appropriate use of materials I am satisfied that the extension would meet the design principles outlined for two storey rear extensions in the SPD.
9. For the reason given above I conclude that the proposed development would not result in material harm to the character and appearance of the existing property or the surrounding area. It does not therefore conflict with policies QD14 and QD27 of the Brighton and Hove Local Plan 2005 or Policy SS1 of the

Brighton & Hove Submission City Plan Part One Feb 2013. Together these seek to secure amongst other things sustainable development that is well designed in relation to the existing property and the surrounding area and development that does not result in the loss of amenity for adjacent occupiers. This is consistent with the National Planning Policy Framework (the Framework) and in particular paragraph 17, fourth and fifth bullet points, which require high quality design and account to be taken of the different roles and character of different areas. It is also consistent with paragraphs 56, 60 and 61 of the Framework which note the great importance the government puts on the design of the built environment which should reinforce local distinctiveness and the integration of new development into the built environment.

Conditions

10. A Condition is required to secure the development is built in accordance with the approved plans in the interests of proper planning and a further condition is required to ensure the materials of the extensions match the host property in the interests of the visual amenity of the area.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed.

Kenneth Stone

INSPECTOR