
Appeal Decision

Site visit made on 5 February 2014

by L Gibbons BA (Hons) MRTPI

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

Decision date: 20 February 2014

Appeal Ref: APP/Q1445/D/14/2211471

6 Marine Gardens, Brighton BN2 1AH

- 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 Kim Gordon against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/02668, dated 5 August 2013, was refused by notice dated 16 October 2013.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the appeal proposal on the character and appearance of the host property and the effect on the living conditions of the occupiers of No 7 Marine Gardens in respect of outlook and light.

Reasons

Character and appearance

3. The host property is a 3 storey semi detached property which is set back from the road. Although the properties on Marine Gardens are dominated by higher properties on Charlotte Street, they have a distinctive appearance, being relatively narrow with the key features being the mansard roof and double height bay windows. The appeal property is on a relatively constrained plot with a parking space and small garden at the front of the property and there is a raised patio area and small outbuilding to the side. Additionally, there is a flat roofed 2 storey side extension which appeared to have been in place for some time, this gives the property a 'stepped' appearance which is slightly at odds with the character of the main building.
4. The appeal proposal is for a single storey extension and I note that the materials would be to match those of the host property. I have been referred to a previous permission at the same address for a side conservatory and kitchen (BH2002/01311/FP) and an indication of the policies which were in place at the time. Whilst I have been provided with an elevation drawing, this appears to indicate that the two schemes differ. Moreover, I do not have the full details of the circumstances that led to that proposal being accepted in

order to make a comparative assessment. In any case, I have considered the appeal proposal on its own merits.

5. I have been referred to the Council's Supplementary Planning Document Design Guide for Extensions and Alterations (SPD) 2012 which includes examples of properties which are not similar to the appeal proposal. However, the SPD guidance at Section 3.2 refers to side extensions which should be set back from the front of the building in order to retain a subordinate appearance. The proposed extension would be particularly noticeable as it would protrude forward of the main elevation of the house including the bay window. This would serve to draw the eye and would lead to the extension appearing as the dominant feature on the front elevation.
6. Moreover, as the proposed extension fully extends to the northern boundary of the appeal site, this would lead to an elongated appearance that would be at odds with the height and narrow form of the original building and which would be exacerbated by the constrained nature of the site. I accept that the rooflight would increase the amount of light to the proposed extension and that it reflects a design element from the rear of the buildings on Charlotte Street. However, I consider that the flat roof of the proposed extension, in combination with the flat roof of the 2 storey addition would exaggerate the prominence of the proposed extension and the 'stepped' appearance to the detriment of the host property.
7. For the above reasons I conclude that the appeal proposal would cause harm to the character and appearance of the host property. It would conflict with policy QD14 (bullet point a) of the Brighton and Hove Local Plan (LP) 2005 which, amongst other things, seeks to ensure that extensions and alterations are well designed, sited and detailed in relation to the property to be extended. It would be contrary to the provisions of the National Planning Policy Framework relating to the need for high quality design.
8. The appeal site is situated within the East Cliffe Conservation Area. The Conservation Area includes a number of tall, substantial residential buildings including on Charlotte Street, and their significance is clearly associated with the seafront and Brighton as a seaside resort. Marine Gardens consists of smaller properties, but they appear to fit in with the dense development pattern and those on the west side, including the appeal property have a close association with the buildings on Charlotte Street.
9. I note that there is no objection from the Council's Conservation Officer in relation to the impact of the proposed extension on the Conservation Area. I also appreciate that the walls and rooflight of the proposed extension would be only partially visible due to the hedge at the front of the host property and the height of the fences at the boundaries with adjacent properties. Nevertheless, even if the proposed extension was not visible at all in the wider area, this does not outweigh the harm I have found in relation to the effect on the host property.

Living conditions

10. Due to the layout of the properties which are to the rear of properties along Charlotte Street, the plots along Marine Gardens are naturally constrained and the area already has a feeling of being slightly enclosed. The proposed extension would be slightly higher than the tall fence and brick wall which form

the boundary with No 7 Marine Gardens. The rooflight and a portion of the walls of the proposed extension would be visible to the occupiers of No 7. However given the height and nature of the existing boundary treatment and the layout of the properties, I consider that the proposed extension would not lead to a significant increase in a sense of enclosure for the occupiers nor would it result in a loss of light to the windows on the south elevation of No 7.

11. For the above reasons I conclude that the appeal proposal would not cause harm to the living conditions of the occupiers of No 7 Marine Gardens in respect of outlook and light. It would not conflict with policy QD14 (bullet point b) and policy QD27 of the LP which, amongst other things, seek to ensure developments which would not result in a significant loss of amenity to neighbouring properties and occupiers.

Conclusion

12. I have found that the appeal proposal would be acceptable in relation to the living conditions of the occupiers at No 7 Marine Gardens. However, I have found that the appeal proposal would have a harmful impact on the character and appearance of the host property and this is sufficient reason to dismiss the appeal.

L Gibbons

INSPECTOR