



Appeal Decision

Site visit made on 21 February 2014

by **P Jarvis Bsc (Hons) DipTP MRTPI**

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

Decision date: 17 March 2014

Appeal Ref: APP/Q1445/A/13/2199354

4 Rose Hill Terrace, Brighton, BN1 4JJ

- 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 Mrs Katy Pirayesh against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/03899 dated 18 December 2012 was refused by notice dated 14 March 2013.
 - The development proposed is the erection of a rear extension at first floor level.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposal on (a) the character and appearance of the host property and its surroundings and (b) the working conditions of the occupiers of the adjoining property, No. 77B London Road.

Reasons

3. The appeal site comprises a terraced property set over four levels comprising a dentist surgery on the ground floor and upper levels with a basement flat below.
4. It is located just off the busy London Road shopping centre which has a wide range and variety of shops and services. The adjoining property, No. 77B London Road, is currently in use as an estate agents with accommodation over three floors including basement level.

Effect on character and appearance

5. The proposed extension would be built over an existing rear addition. Notwithstanding the flat-roofed design of the existing extension, the proposal would introduce a flat-roofed element at the higher more visible first floor level where it would be read more clearly in the context of the existing building with its traditional pitched roofs. In addition, it would sit awkwardly in relation to the pitched roof of the 'outrigger' with the eaves level of the proposed flat roof cutting into the lower part of that roof slope. In my view, its design and appearance would be unsympathetic to the host property.
6. Overall I consider for the above reasons that the proposal would fail to complement and harmonise with the host dwelling. It would thus conflict with

policy QD14 of the Brighton and Hove Local Plan which seeks extensions that are well designed, sited and detailed in relation to the property to be extended.

Effect on working conditions of occupiers of No. 77B London Road

7. The rear rooms of the adjoining property are currently mainly used for ancillary storage. However, the current occupant advised that the accommodation is used flexibly and sometimes provides additional office space. The existing building on the appeal site already has somewhat of an overbearing impact on the basement and ground floor rear rooms of this property. In my view the proposed extension, which would be sited right on the boundary, would exacerbate this relationship to an unacceptable degree and could restrict the future use of these rooms thus compromising the flexible use of the building.
8. I therefore find that the proposal would have a harmful effect on the working conditions of the occupiers of the property contrary to LP policies QD14 and QD27 which seek to prevent development that causes loss of amenity to occupiers of adjoining properties.

Other Matters

9. The existing surgery has been operating from the premises for a number of years and from my site visit I could see that it was a busy and thriving business as well as providing a useful community facility. The appellant explains that the additional room is required to provide a separate decontamination room to comply with new regulations.
10. The National Planning Policy Framework (the Framework) and the supporting Planning Practice Guidance (PPG), which I have also taken into account, seeks to support sustainable economic growth and existing businesses and to ensure that planning takes account of need to deliver sufficient community facilities to meet local need.
11. However, there is little evidence to demonstrate whether any alternatives have been considered to meet the appellant's needs in this respect. Whilst I attach significant weight to the above factors, I do not consider that they outweigh the harm identified.

Conclusions

12. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR