



Appeal Decision

Site visit made on 24 March 2014

by Simon Miles BA(Hons) MSc MRTPI

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

Decision date: 2 April 2014

Appeal Ref: APP/Q1445/D/14/2214245

49 Withdean Road, Brighton BN1 5JB

- 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 Ronnie Smith against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/03513, dated 15 October 2013, was refused by notice dated 17 December 2013.
 - The development proposed is single storey rear extension with proposed two storey extension to an existing garage to the front of an existing residence.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension with proposed two storey extension to an existing garage to the front of an existing residence at 49 Withdean Road, Brighton BN1 5JB in accordance with the terms of the application Ref BH2013/03513, dated 15 October 2013, subject to the conditions in the attached schedule, which forms part of this decision.

Main Issue

3. The Council does not oppose the proposed single storey rear extension. Having regard to the small size of this addition in relation to the existing dwelling and the secluded character of the plot, I am satisfied that this element can be accommodated without causing significant harm to the character, appearance and amenities of the area. I therefore consider the main issue to be the effect of the proposed two storey extension to the existing garage on the character and appearance of the area.

Reasons

4. The appeal relates to 49 Withdean Road, a detached dwelling set in a spacious, pleasantly landscaped plot occupying an elevated position above this steeply sloping road. I note that the existing dwelling and single storey garage are set back behind a substantial retaining wall. Because of this setback, the existing landscape features and the acute angle of view looking up from road level, the existing buildings are all but completely hidden in the street scene.
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5. The Council is nevertheless concerned about the size and scale of the proposed extension to the garage. I acknowledge that the resulting structure would be substantial, albeit that it would remain visually subservient to the host dwelling. Notwithstanding this, owing to the particular physical characteristics described above, my assessment indicates that the enlarged garage would have a barely discernible effect on the street scene. Although large, the resulting development would not be disproportionate in relation to the size of either the main dwelling or the plot. Neither would the development be at variance with the general character of the area, which includes a number of substantial garages and outbuildings, many of them significantly more prominent in the street scene.
6. In reaching this view, I am mindful that the Council's adopted Supplementary Planning Document 12 (SPD12), which provides design guidance for extensions and alterations, generally seeks to avoid garages in front gardens unless they are appropriately scaled, modestly located to avoid harm to the street scene, do not obscure the building's façade and are designed to match the main building. In other circumstances, I might well find a proposal such as this to be contrary to this guidance. However, each proposal must be assessed on its merits. In this case, the unusual degree to which the site is screened from the street scene, which alleviates any significant potential harm, justifies taking a pragmatic approach.
7. This leads me to conclude that the proposed two storey extension to the existing garage would cause no significant harm to the character and appearance of the area. I therefore find the proposal to be acceptable in relation to saved Policies QD1, QD2 and QD14 of the adopted Brighton & Hove Local Plan 2005 and SPD12 in terms of the need to ensure that development, including extensions and alterations, is designed to a high standard, takes account of local characteristics and makes a positive contribution to the visual quality of the environment. The proposal further complies with the National Planning Policy Framework and recently published Planning Practice Guidance to the extent that these aim to ensure that development is designed to a high quality, responds to local character and reflects the identity of local surroundings.
8. Overall, I find that there are no compelling or over-riding reasons why the appeal should not succeed. In addition to the standard time limit, the development should be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. The materials are specified in detail on the plans and, given the secluded character of the site, need not be the subject of a condition. However, I agree with the Council that a condition is necessary in relation to the protection of retained trees in the interests of the character and appearance of the area.

Simon Miles

INSPECTOR

Schedule of 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: PL-01, PL-02, PL-03, PL-04, PL-05, PL-06 and R&Co 103/01 Rev 01.
- 3) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of one year from the date of the completion of the development hereby permitted or as otherwise agreed in writing by the local planning authority.
 - (i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
 - (ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - (iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.