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# Appeal Decision

Site visit made on 9 April 2014

**by Lynne Evans BA MA MRTPI MRICS**

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

**Decision date: 23 April 2014**

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## **Appeal Ref: APP/Q1445/A/14/2212795**

### **Cartridge World, 39 Station Road, Portslade, Brighton BN41 1AG**

- 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 Cartridge World against the decision of Brighton & Hove City Council.
  - The application Ref: BH2013/02627 received by the Council on 29 July 2013, was refused by notice dated 17 October 2013.
  - The development proposed is single storey rear extension.
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### **Decision**

1. The appeal is allowed and planning permission is granted for single storey rear extension at Cartridge World, 39 Station Road, Portslade, Brighton BN41 1AG in accordance with the terms of the application, Ref: BH2013/02627 received by the Council on 29 July 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: 0620 002 and 0620 003.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those on the existing building.
  - 4) The extension hereby permitted shall be used only as part of, or for a purpose incidental to, the use of the existing ground floor premises.

### **Preliminary Matters**

2. The application forms before me do not indicate the date of the application. The refusal notice from the Council indicates that the application was received by the Council on 29 July 2013 and this is also the date referenced on the appeal form. I have therefore also used this date.
  3. The Government's Planning Practice Guidance was published on 6 March 2014 after representations were completed. However, it is my view that neither the Appellant nor the Council referred to or relied to any significant extent on the former guidance which has now been cancelled. In these circumstances neither the Appellant nor the Council would be prejudiced by me considering the appeal
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on the basis of the information already submitted, and the publication of the Planning Practice Guidance does not affect my conclusions.

### **Main Issue**

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the local area.

### **Reasons**

5. The appeal property is located on the west side of Station Road and is a mid terrace three storey property with an original two storey rear addition. The ground floor is in retail use with residential accommodation above. The adjoining buildings within the terrace similarly have retail and service uses at ground floor with some ancillary retail uses and residential uses on the upper floor. Access to the residential use on the upper floors of the appeal property is from the front. There is a rear yard with access from the ground floor retail use and from an alleyway which runs along the rear of the units, leading off Franklin Road. This alleyway was at the time of the site visit blocked off beyond the rear of Nos 40, 41 and 42 Station Road.
6. There is an existing detached metal container shed at the rear of the property and the proposal would be to replace this with a single storey flat roof extension the same width as the original two storey rear extension and extending up to the rear site boundary. Rear access would be maintained.
7. Although the proposed addition would extend to the rear boundary, I consider that its single storey form together its proposed width would ensure that it would be subservient in form and appearance to the scale and massing of the existing building. There are a variety of rear extensions to the commercial buildings in the vicinity of the site to the north and south of Franklin Road and in the context of its immediate surroundings I do not consider that the proposed extension would appear incongruous or harmful to the mixed pattern of development in the locality.
8. The proposal would not accord with all of the design principles set out under the Council's Supplementary Planning Document: *Design Guide for Extensions and Alterations*, adopted in 2013 (SPD), and in particular relating to the amount of rear yard to be built over to avoid the overdevelopment of sites. Whilst the introduction to the SPD indicates that it is primarily to be used in relation to extensions to residential buildings it is also to be used as a design guide for commercial buildings of a traditional domestic appearance. I have taken the SPD into account but in the particular circumstances of this case, I consider that the extension would appear small scale in relation to the existing building and site and would not detract from the varied character and appearance of the surrounding area. It would also have very limited impact on the street scene given its siting.
9. I am therefore satisfied that the proposed rear extension would respect the character and appearance of the local area. There would be no conflict with Policies QD2 and QD14 of the Brighton & Hove Local Plan 2005 in this regard, which in seeking development which respects the local context also accord with the National Planning Policy Framework.

10. The Appellant has also drawn my attention to the commercial reasons why the Appellant is seeking to expand the premises. Whilst these reasons would not necessarily, on their own, justify development that would harm the character and appearance of the local area, they do in this instance add further weight in support of the proposal.
11. I am also satisfied that given its small scale and single storey form it would result in no harm to the living conditions of surrounding residents including the future residents of the new development nearing completion which fronts Franklin Road and sides onto the alleyway at the rear of the appeal property. The Council has also raised no issue in this regard.
12. The Council has not proposed any conditions it would wish to see imposed in the event that planning permission is granted. I consider that matching materials with the existing building should be required to protect the appearance of the property and the character and appearance of the local area. I shall also add a condition to list the approved plans on the basis that, otherwise than as set out in this decision and in conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. For the avoidance of doubt and to accord with the basis of the proposal, I shall also impose a condition to ensure that the proposed extension shall be used in association with the ground floor unit in the interests of protecting the character and appearance of the local area and the living conditions of surrounding neighbours as well as in the interests of proper planning. Although neither the Appellant nor the Council has had sight of these conditions I am satisfied that neither party would be prejudiced by their imposition.
13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*L J Evans*

INSPECTOR