
Appeal Decision

Site visit made on 7 May 2014

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 19 May 2014

Appeal Ref: APP/Q1445/A/13/2208886

Flat 2, 21 Wilbury Villas, Hove, East Sussex, BN3 6GB

- 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 Etienne Rodes against the decision of Brighton & Hove City Council.
 - The application Ref. BH2013/02213, dated 10 June 2013, was refused by notice dated 5 September 2013.
 - The development proposed is described as "removal of existing conservatory and erection of timber framed, ship-lapped extension in its place to facilitate the internal re-organisation of internal space. The new structure will become the new kitchen, allowing for a larger family bathroom and study".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - a) The effect of the proposed extension on the character and appearance of the host building and the surrounding area; and
 - b) The effect on the living conditions of neighbouring residents at 19 Wilbury Villas, with particular reference to outlook.

Reasons

Character and Appearance

3. The appeal property is a ground floor flat within an attractive residential area. The building has a single storey wing at the rear and a lean-to conservatory attached to the side of this wing. The conservatory is not an especially attractive addition, and its position on the property fails to respect the original plan form. Nevertheless, the structure is modest in scale and ephemeral in appearance.
4. The proposed extension would be longer and wider than the conservatory it would be replacing. The effect would be to infill much of the space between the rear wing and the side boundary. Although it would remain single storey, the extension would appear bulkier than the conservatory due to its larger

dimensions and flat roof. Moreover, it would no longer read as a subservient addition due to its alignment almost flush with the end of the rear wing.

5. I accept that the existing conservatory is already a somewhat discordant addition. However, I consider that the proposed extension would be more harmful, with neither its scale nor its position respecting the character and appearance of the host building.
6. Accordingly, I conclude that the proposal would be materially harmful to the character and appearance of the area. It would therefore conflict with saved Policy QD14 of the Brighton & Hove Local Plan (2005) (LP) which requires extensions to existing buildings to be well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.

Living Conditions

7. The proposed extension would bring the built form closer to the boundary with No.19. The height of the extension, combined with its length and proximity to the boundary, would be overbearing for the neighbours and would increase the sense of enclosure to their patio.
8. I therefore conclude that the proposal would be materially harmful to the living conditions of the neighbouring residents at No.19. This would conflict with saved Policies QD14 and QD27 of the LP which seek to protect the amenity of adjacent occupiers.

Other Matters

9. The appellant argues that the extension would replace existing garden sheds which currently look unsightly and reduce light to a bedroom and en-suite. However, these sheds could be removed or relocated in the garden without having to construct the extension.
10. It is also contended that removal of the sheds, which are presently tight up against the boundary, would improve the relationship of the appeal property with its neighbour. However, I noted during my visit that the sheds lie directly alongside an adjacent extension belonging to No.19 and therefore they have no impact upon outlook from the ground floor windows of the property or its patio.
11. I have taken account of the fact that the appeal property would retain its existing garden and the fact that the extension would provide additional living accommodation for the appellant and his family. However, these benefits do not outweigh the harm identified above.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR