
Appeal Decision

Site visit made on 14 May 2014

by Cullum J A Parker BA(Hons) MA MRTPI AIEMA

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

Decision date: 21 May 2014

Appeal Ref: APP/Q1445/D/14/2215684
16 Waldegrave Road, Brighton, BN1 6GE

- 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 J and Mrs C Holden against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/03886, dated 8 November 2013, was refused by notice dated 21 February 2014.
 - The development proposed is single storey side/rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side/rear extension at 16 Waldegrave Road, Brighton in accordance with the terms of the application, Ref BH2013/03886, dated 8 November 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:

Proposed Plans @ 16, Waldegrave Road, Brighton, and Existing details @ 16, Waldegrave Road, Brighton.

Application for costs

2. An application for costs was made by one of the appellants, Mr J Holden, against Brighton & Hove City Council. This application is the subject of a separate Decision.

Main Issues

3. The proposal is located within the Preston Park Conservation Area. Accordingly the main issues are:
 - the effect of the proposed development on the host building and whether the proposed development would preserve or enhance the character or appearance of the Conservation Area, and;
 - the effect of the proposed development on the living conditions of neighbours at No. 14 Waldegrave Road with regard to outlook.

Reasons

Character and appearance

4. The appeal property is a semi-detached house located within a residential area. The building has a two storey rear projection (otherwise known as an outrigger) that is shared with the attached dwelling, No 18 Waldegrave Road. To the rear there is also a small lean-to extension that appears to extend beyond the original rearmost elevation wall. My site visit confirmed that there are a variety of rear extensions within the immediate locality visible from the rear garden of No 16, and these vary in form from pitched to flat roofed extensions. In particular there is an extension at No 18, part of which has a lean-to mono-pitch roof on its rearmost elevation.
5. The proposal seeks the removal of the small lean-to extension serving the kitchen at No 16, and its replacement with one that is similar in height, depth and form to that found at No 18. The proposal, by virtue of its wrap around nature, would also see the loss of the small courtyard area adjacent to the outrigger. Nevertheless, the extension would, visually, balance the rear elevations of both Nos 16 and 18 in terms of single storey extensions, particularly in terms of the lean-to element. Whilst I acknowledge the Council's desire to protect the building's character, I consider that the difference in height between the extension and the existing outrigger, resulting in a subservient extension, would make the original layout clear to the objective observer. Furthermore, the use of sympathetic materials found within the Conservation Area, such as slate for the roof and matching painted render, would ensure that the extension would not appear visually incongruous against the original built form.
6. I note that the Council's Design Guide for Extensions and Alterations Supplementary Planning Document (SPD) 2013, which supplements Policies HE6 and QD27 of the Brighton and Hove Local Plan 2005 (BHLP), indicates that the acceptability of infill extensions is dependent upon the design proposed, land levels between properties and whether the adjacent properties themselves have an infill extension. In this case I consider that the design proposed, which is subservient to the original dwelling and similar to an extension at No 18, is acceptable. I have considered land levels in the living conditions issue below.
7. Notwithstanding this fact, due to its subservient and overall balancing form, the proposed development would not represent a detrimental and inappropriate addition to the host building. As a result, the proposal would respect the original built form and character of the host building. Whilst not readily visible from public vantage points within the Conservation Area, the proposal would be visible from neighbouring gardens and windows. However, the proposed development would allow the buildings original form to be clearly seen. It would not only preserve the character of the original dwelling, but also that of the wider Conservation Area.
8. I therefore conclude that the proposed development would not have an adverse impact on the host building and preserve the character and appearance of the Preston Park Conservation Area. Accordingly, I find that the proposal accords with Policies HE6, QD2 and QD14 of the BHLP, which, amongst other aims, seeks that proposals should show no harmful impact on the townscape and roofscape of the Conservation Area, as supported by the SPD.

Living conditions

9. During my site visit I was able to view the appeal site from within the rear garden of No 14. Policy QD27 of the BHLP, which relates to residential amenity, indicates that permission will not be granted where it would cause a material nuisance and loss of amenity to adjacent occupiers. In this case, there is a substantial difference in ground levels between Nos 14 and 16 with the proposed eaves about 1.5 metres higher than the boundary. The submitted drawings also show that a significant gap between both properties would be retained. This gap would help mitigate the potential for the proposal to appear as overbearing when viewed from the garden area of No 14, even when considering the difference in ground levels. Moreover, whilst I note that there are windows in the flank wall of No. 14, the main source of outlook and light from the kitchen/dining area at No 14 are from doors/glazing to the rear of that property. Given that No 14 is stepped back further than No 16, it is unlikely that these rear doors/glazing would be affected by the depth proposed.
10. Visually, the design proposed would have a mixture of high level windows and glazed roof panels. I consider that these aspects would help break up the appearance of the flank wall, thus further helping alleviate any sense of enclosure. I acknowledge that the proposal would bring the side wall of No 16 closer to No 14, however given the proximity of the proposal to No 14 and the fact that the glazing would help mitigate the visual impact, I do not find that the proposed extension would have a materially harmful impact on the living conditions of neighbours at No 14 in terms of outlook.
11. I therefore conclude that the proposed development accords with Policies QD14 and QD27 of the BHLP, which, amongst other aims, indicate that planning permission will only be granted if the proposed development would not result in significant loss of amenity to neighbouring properties.

Other matters

12. A neighbour has raised concerns relating to developments at Nos 10 and 12, and the associated noise, disturbance, dust, contractors waste and illegal parking resulting from these. These appear to be matters that would normally be limited in duration during the construction phase and subject to other regulatory regimes. As such, they do not alter my overall conclusion.

Conditions

13. I have had regard to Paragraph 206 of the National Planning Policy Framework, which relates to the use of conditions, and also the Planning Practice Guidance which was issued on 6 March 2014. A condition requiring the proposal to be completed in accordance with the submitted drawings is necessary to ensure that it would not have an adverse impact on the character and appearance of the Preston Park Conservation Area and in the interests of proper planning.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed.

Cullum J A Parker

INSPECTOR