

Appeal Decision

Site visit made on 27 January 2016

by Lesley Coffey BA(Hons) BTP MRTPI

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

Decision date: 13 February 2016

Appeal Ref: APP/Q1445/D/15/3138711

43 Chester Terrace, Brighton, East Sussex BN1 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 Michael Fielding against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/02654, dated 20 July 2015, was refused by notice dated 25 September 2015.
 - The development proposed is a single storey side extension to the rear.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension to the rear, at 43 Chester Terrace, Brighton, East Sussex BN1 6GB in accordance with the terms of the application, Ref BH2015/02654, dated 20 July 2015, 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: L-10, L-101 & L-102.

Main Issue

2. I consider the main issue to be the effect of the proposal on the character and appearance of the surrounding area, with particular reference to the Preston Park Conservation Area.

Reasons

3. The appeal property is a two storey terraced dwelling that lies within the Preston Park Conservation Area. The conservation area is predominantly residential in character. The southern part, where the appeal property is located, comprises several parallel roads of terraced houses which step down the hill reflecting the local topography. Although there is some variation in the style and appearance of the dwellings, the uniformity of the individual terraces makes a positive contribution towards the character of the conservation area.
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4. S72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 requires that that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
5. The proposed extension would infill the area between the original two storey addition and the boundary with the neighbouring property. It would be similar in depth to the existing rear extension which it would replace. The proposed pitched roof to the side extension would accord with the design guidance within *SPD 12: Design Guide for Extensions and Alterations* (adopted June 2013). The rear extension would extend beyond the original rear elevation by a little over 1 metre and would be finished with a flat roof.
6. SPD12 advises that in order to preserve the original plan of the building and avoid excessive amenity harm to adjacent residents, infill extensions should not normally extend beyond the rear wall of the outrigger, or wrap around the rear elevation. The proposed extension would extend beyond the original building by a similar depth to the existing rear extension. The appeal property is situated on lower ground than the neighbouring dwelling at 45 Chester Terrace. Therefore the proposed extension would not harm the living conditions of the occupants of that property. The proposed flat roof would be subservient to the existing building, as a consequence, the original plan of the building would be readily distinguishable. Therefore the proposal would comply with the intent of SPD12.
7. Views of the proposed extension from other dwellings within the conservation area would be extremely limited. Due to its small size and position there would be limited views from the neighbouring dwelling at 45 Chester Terrace. It would be screened from the dwellings at the rear by the existing vegetation. It would therefore have no significant effect on the character or appearance of the conservation area.
8. I therefore conclude that the proposal would preserve the character and appearance of the Preston Park Conservation Area in accordance with policy HE6 of the Brighton and Hove Local Plan, and policy QD14 which aims to ensure that extensions are well designed, sited and detailed in relation to the property to be extended.

Conditions

9. I have considered the suggested conditions in the light of the advice at paragraphs 203 and 206 of the NPPF and the PPG. In the interests of visual amenity, the proposed extension should match the materials of the existing dwelling. For the avoidance of doubt and in the interests of proper planning the proposal should be carried out in accordance with the approved plans.

Conclusion

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

Lesley Coffey

INSPECTOR