

Appeal Decision

Site visit made on 10 February 2016

by Kenneth Stone BSc (Hons) DipTP MRTPI

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

Decision date: 18/02/2016

Appeal Ref: APP/Q1445/D/15/3135055
7 Benfield Crescent, Portslade BN41 2DB

- 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 Miss Kathleen Touw against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/01265, dated 5 April 2015, was refused by notice dated 6 July 2015.
 - The development proposed is the erection of a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension at 7 Benfield Crescent, Portslade BN41 2DB in accordance with the terms of the application, Ref BH2015/01265, dated 5 April 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 development hereby permitted shall be carried out in accordance with the following approved plans: 477/01 and 477/02.
 - 3) 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.

Main Issues

2. The main issues in this appeal are the effect of the proposed extension on: firstly, the character and appearance of the host property and the surrounding area; and secondly, the living conditions of the occupiers of 9 Benfield Crescent (No 9), with particular reference to outlook and daylight.

Reasons

Character and appearance

3. The appeal relates to a two storey semi detached house with painted render walls, above a red brick plinth, and plain tiled roof. It has an existing single storey pitched roof extension across part of the rear elevation and which has been further extended by a conservatory. The area has a mix of detached and semi detached two storey houses and bungalows which have varied designs.
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4. The appeal property is set on the northern side of Benfield Crescent and the property to the east, 5 Benfield Crescent (No.5), is a detached two storey house at the junction with Mill Lane. Mill Lane rises gently towards the north and the rear of the appeal property is visible from that road, including the existing extensions.
5. The proposed extension would replace the existing rear extensions with a flat roofed solid construction the full width of the property and extending to a similar depth as the existing extensions. The appeal property is located adjacent to No 5, whose rear elevation sits further rearward than the appeal property, and the boundary treatment with No.9, which includes a 1.8m high boundary fence backed by a conifer hedge rising to some 2.8m. The proposed extension would therefore hold a recessive position in the street and would be viewed against the backdrop of the main rear wall of the property, the high boundary treatment of the other half of the semi detached pair and beyond the more prominently sited adjoining property, No 5. The scale, size and dimensions of the proposed extension would not dominate the original property and would appear subservient to it. The height of the extension would not excessively rise up the rear elevation and would be lower than the pitched roofs of the existing extensions.
6. Policy QD14 of the Brighton and Hove Local Plan 2005 (BHLP) requires extensions to, amongst other matters, be well designed, take account of the space around the property and use sympathetic materials. The policy goes on to note that account will be taken of orientation, slope, overall height, relationships and existing boundary treatment. In this regard I am satisfied that given the relationship with the adjoining properties, the height of the extension and the height and nature of the boundary treatment, that the proposed extension would comply with the policy. I note that the Council's Supplementary Planning Document 12: Design Guide for alterations and extensions (SPD) suggests that a depth half the depth of the original property would normally be appropriate, and that this extension would exceed those guidelines. However, the guidelines talk about excessively large and poorly designed extensions harming the appearance of the building, reducing useable space and the effect on neighbours. In terms of overall design and appearance the extension would use appropriate materials, is not excessively tall does not project beyond the side walls of the building. In this particular context I am satisfied that the proposed extension would be well integrated with the original property and meets the policy criteria.
7. For the reasons given above I conclude that the proposed development would not result in material harm to the character and appearance of the appeal property or the surrounding area. Consequently it would not conflict with policy QD14 of the BHLP which, amongst other matters, seeks well designed extensions that do not harm the appearance of the property and take account of the character of the area.

Living conditions

8. The proposed extension would project 5.3m from the rear wall of the property and would be the full width of the property, up to the common boundary. It would be some 2.8m in height with a flat roof. The boundary between the two properties in this pair is formed by a standard 1.8m wooden fence backed by a conifer hedge, on the neighbour's side, which rises to a height of around 2.8m.

The rear of these properties is north facing. In this regard the rear facades are already overshadowed by the existing houses for much of the day and, with the existing hedge, No 9 already has a significant sense of enclosure and limitation on the outlook enjoyed from the property. The proposed extension, at a height of 2.8m, would not increase the existing enclosure of the property and would not be visible from within No 9 above the height of the existing hedge. To this extent the proposed extension would not worsen the existing environment or living conditions of the occupants of that property.

9. Whilst I accept that the hedge is outside the application site and therefore beyond the control of the appellant or the Council in terms of this application it is within the control of the neighbour who would potentially be affected if it were to be removed. In effect they would have control. Moreover, the existing living conditions that are experienced by the occupants of No 9 are such that even if the hedge were removed the extension would not reduce the light or outlook from that property to any greater extent than presently exists. As such the proposed development would not reduce or harm the existing living conditions of the occupants of No 9. There would of course be a slight change in the appearance of the boundary but with only approximately 1m of the extension visible above the fence and for less of a depth than the existing conifer hedge projects. In this regard it would not be so imposing or intrusive in the outlook as the existing hedge.
10. Policies QD14 and QD27 of the BHLP seek to protect the amenity of adjoining owners and ensure that there is no significant loss of daylight, sunlight or outlook. Given the nature of the existing boundary treatment and the scale and dimensions of the proposed extension associated with the orientation of the properties I am satisfied that there would no such impacts, and the proposal would therefore comply with those policies. Given the physical characteristics of the site and the proposed extension I am satisfied that any impact would not lead to material harm, albeit that it does exceed the normal expectations identified in the SPD for such extensions.
11. For the reasons given above I conclude that the proposed extension would not materially harm the living conditions of the occupants of No 9 Benfield Crescent. Consequently it would not conflict with policies QD14 or QD27 of the BHLP which seek to protect, amongst other matters, the amenity enjoyed by the occupants of neighbouring properties.

Overall conclusions

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

Kenneth Stone

INSPECTOR

