



Appeal Decision

Site visit made on 14 March 2016

by Grahame Gould BA MPhil MRTPI

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

Decision date: 18 March 2016

Appeal Ref: APP/Q1445/D/15/3140691

8 Mountfields, Brighton BN1 7BT

- 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 Dr Lars Schuy against the decision of Brighton and Hove City Council.
 - The application Ref BH2015/01763, dated 18 May 2015, was refused by notice dated 16 November 2015.
 - The development proposed is 'retrospective application for first floor rear extension and ground floor extension'.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension and ground floor rear extension at 8 Mountfields, Brighton BN1 7BT in accordance with the terms of the application, Ref BH2015/01763, dated 18 May 2015, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 229:100; 229:101; and 229:102.

Procedural Matters

2. The appeal development, a part two storey and part single storey rear extension has in large part been constructed and is being occupied, with only the external walls being incomplete, insofar as timer cladding has not been applied. I have therefore determined this appeal on the basis of it being for a development that has been commenced but not completed. As the reference to 'retrospective' in the description of the development is unnecessary, I have not repeated this in my formal decision above.
 3. The Council in submitting its appeal questionnaire included extracts from Policy SS1 of the 'Brighton and Hove Submission City Plan Part One' (February 2013) (the emerging City Plan). Given the age of that document and in response to a question I have raised (via the Inspectorate's case office) about the emerging Local Plan's progress towards adoption, the Council has provided an internet link to the webpage for the City Plan. From this I have been able to establish that: the emerging City Plan is due to be adopted on 24 March 2016; and that Policy QD14 of the Brighton and Hove Local Plan 2005 (the Local Plan) cited in the Council's reasons for refusal will continue to be extant post the adoption of the emerging City Plan. I also note that wording for Policy SS1 contained within the submission version of the
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emerging City Plan has not been modified during the examination of the emerging plan.

4. Given the foregoing, and without produce to the parties, I am therefore content that I can determine this appeal having regard to the extant Local Plan policy cited in the reasons for refusal and that there is no need for me to seek the parties views about the imminent change to the Council's Development Plan.

Main Issues

5. The main issues are the effect of the development on: the character and appearance of the appeal property (No 8); and the living conditions for the occupiers of 6 Mountfields (No 6), with particular regard to any sense of overbearing and enclosure.

Reasons

6. No 8 is a two storey end of terrace house which has recently been extended to the rear with the addition of a virtually full width dormer¹.
7. The extension at ground floor level occupies the full width of No 8 and has a depth of 4.0 metres, while the first floor element has a depth of 3.0 metres² and occupies in the region of two thirds of No 8's width.

Character and Appearance

8. From what I was able to observe of the rear elevations of the even numbered properties in Mountfields, two storey extensions are absent. While No 8 is in a short terrace of four properties and the appeal development, together with the rear dormer, has interrupted the uniformity this terrace's appearance, I found the appeal development to be of an acceptable scale. In my experience the proportions of the appeal development are not uncommon for a terraced property of the size of No 8. I also found the first floor element of the addition, with its gable ended roof, to be providing some relief to the rather stark lines of the rear dormer.
9. In terms of the roof form for the two storey element, I do not agree that a hipped roof would enhance the appearance of this development, given that gables rather than hips are characteristic of Mountfields. While cladding the extension's walls in timber boarding would be unusual for the area, with brick (unpainted or painted) and render being the norm, the use of such a treatment would ensure that this addition has a subservient and softer appearance³. I am not persuaded that facing this extension in render would enhance its appearance.
10. For the reasons given above I find that the appeal development is of an acceptable scale, design and appearance. Accordingly I find there to be no conflict with the objectives of Policy QD14 of the Brighton and Hove Local Plan 2005 (the Local Plan) and Council's design guide for extensions⁴ (the SPD), which amongst other things, seek to ensure that extensions are well designed and appropriately scaled.

¹ Constructed in January 2015, as per the comments made in paragraph 2.3 of the appellant's appeal statement

² Dimensions taken from drawing 229.102

³ Compared with brick or render

⁴ The Brighton and Hove City Council Design Guide for Extensions and Alterations Supplementary Planning Document SPD12 (June 2013)

Living Conditions

11. As part of my site inspection I visited the rear garden of No 6. The appeal development's presence has had some impact in terms of the sense of enclosure experienced by the occupiers of No 6. However, I did not find the depth and height of the development to have an overbearing presence when viewed from No 6.
12. No 8 has a comparatively long rear garden, which means there is considerable physical separation between the appeal development and the neighbouring properties in The Crestway. Having viewed the properties in The Crestway from the first floor of the development, I did not find any unacceptable overlooking of the aforementioned properties to be arising.
13. I therefore conclude that the appeal development's presence is not giving rise to any unacceptable harm to the living conditions for the occupiers of the properties that bound No 8. Accordingly I find there to be no conflict with the objectives of Policy QD14 and the SPD, insofar as they seek to safeguard the living conditions for the occupiers of properties that adjoin new development.

Conclusion and Conditions

14. For the reasons given above I conclude that this appeal should succeed.
15. With respect to the imposition of conditions, as the development has already been commenced there is no need for me to impose the standard three year implementation condition. In order to safeguard the appearance of the area it is necessary to ensure that the development is completed so as to accord with the application drawings and I have therefore imposed a condition to this effect.

Grahame Gould

INSPECTOR

