
Appeal Decision

Site visit made on 9 February 2016

by Karen Radford BA (Hons), Dip Arch, Dip Arch Cons, IHBC

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

Decision date: 12 April 2016

Appeal Ref: APP/Q1445/W/15/3135314

164 Upper Lewes Road, Brighton, Sussex, BN2 3FB

- 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 & Mrs H Roberts against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/01893, dated 27 May 2015, was refused by notice dated 20 August 2015.
 - The development proposed is a rear extension to create a new bathroom.
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Decision

1. The appeal is allowed and planning permission is granted for rear extension to form a new bathroom, at 164 Upper Lewes Road, Brighton, Sussex BN2 3FB in accordance with the terms of the application, Ref: BH2015/01893, dated 27 May 2015, subject to the conditions set out in the attached schedule.

Procedural Matters

2. I have given consideration to the recently adopted City Plan Part One and note that following the adoption of it on 24 March 2016, the development plan for the City changed and some but not all, of the Brighton & Hove Local Plan 2005 policies were removed and superseded by new policies.
3. Furthermore, I note that the City Plan Part One along with the retained Local Plan Policies form part of the Development Plan for Brighton & Hove, and the retained Local Plan policies will continue to apply until replaced by the City Plan Part Two Development Plan Document at some future date.
4. In the case of this appeal, Local Plan Policies QD14 (extensions and alterations) and QD27 (protection of amenity), have both been retained and I have given them full weight.

Main Issue

5. The main issue of the appeal is the effect of the development on the character and appearance of the existing building and the surrounding area.

Reasons

6. The appeal building is a traditional mid-terraced property dating from the late 19th century, which is on a steeply sloping site with the land falling from the
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front towards the rear of the site. The appeal relates to the ground and first floor maisonette.

7. The property has an existing two storey rear outrigger extension with a mono-pitch roof. There is a similar two-storey outrigger extension with mono-pitch roof on the adjacent neighbouring building, No 163 which is located to the north-east of the appeal site. Whilst, on the other adjacent neighbouring property No 165, which is located to the south-west, there is an existing three storey out-rigger extension. Although the appeal site is part of a traditional terrace, the land to the south-west and immediately to the south has been developed with modern blocks of flats.
8. The proposed development would be for the erection of a rear extension at first floor level to the existing outrigger, which due to the falling land levels would make the outrigger three storey. The proposed form of the roof would be a mono-pitched roof.
9. I consider that the proposed roof form would match the existing roof and also copy the shape, form and height of the existing outrigger to the adjacent property at No 165.
10. I have noted that the Council have acknowledged that the rear of the terrace does not have a uniform appearance and there are properties and later extensions of different design and scale. I agree that this is the case and also consider that the architectural appearance of the area at the rear of the appeal site is varied.
11. In addition, I have considered that the Council have commented that the proposal would be an overly dominant addition. Whilst I accept that it would be higher than the roofline of the immediately neighbouring outrigger at No 163, I do not accept that it would be overly dominant particularly when considered in relation to the roofline to No 165 and the varied appearance of the surrounding area.
12. The Council have commented that the proposed horizontal proportions of the rear window would be at odds with vertical emphasis of the existing fenestration. However, given that this new window is similar in proportion to the existing window in No 165 and again given the varied appearance of the area, then on balance I conclude the proportions of the proposed window would not harm the character and appearance of the area.
13. Therefore, because of the architectural variety in the immediate surrounding area and also considering that the proposed mono-pitch roof form would correspond in appearance to the adjacent property at No 165; I conclude that the proposed extension would not harm the character and appearance of the appeal building or the surrounding area. Consequently it would not be contrary to Policy QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Document: Design Guide for Extension and Alterations (SPD12).

Other Matter

14. The Council have noted that there is no planning history for the existing raised rear terraced area and steps. However, these steps and terraced area are not included within the remit of this appeal and in any case are a matter for the concern of the Council.

Conditions

15. I have considered the Council's suggested planning conditions, and in addition to the standard condition which sets a time limit for the commencement of development, it is also appropriate that there is a condition requiring that development is carried out in accordance with the approved plans to provide certainty.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the Council have suggested a condition to control new windows, dormer windows roof-lights or doors in the side elevations of the approved extension, and I consider that this condition is necessary to protect the amenities of the occupiers of the nearby properties and to comply with the retained Policies QD14 and QD27 of the Brighton & Hove Local Plan.
17. A condition relating to proposed materials is necessary to ensure that the appearance and detailed design of the development is of a high standard, and not adversely impacting on the appearance of the surrounding area.

Conclusion

18. Therefore for the reasons given above, and taking all other matters into consideration, I conclude that the appeal should be allowed.

Karen Radford

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be commenced within three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans, ref: P.100 version A (existing plans and elevations), P.101 version A (proposed plans and elevations), and P.102 version A (site and location plan).
3. The materials to be used on the external surfaces of the extension shall be in accordance with those specified in the application and shall match in material, colour, style, bonding and texture those of the existing building.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed in the side elevations of the extension hereby permitted, without planning permission obtained from the Local Planning Authority.

