

---

# Appeal Decision

Site visit made on 26 April 2016

**by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

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

**Decision date: 09 May 2016**

---

**Appeal Ref: APP/Q1445/D/15/3138203**  
**115 Preston Drove, Brighton BN1 6EW**

- 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 Mrs Jan Burgess against the decision of Brighton & Hove City Council.
  - The application, Ref. BH2015/02992, dated 14 August 2014 was refused by notice dated 9 October 2015.
  - The development proposed is a single storey rear extension to the side of the rear outrigger and a roof conversion with rear dormers and front rooflights.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are (i) the effect of the proposal on the character and appearance of the existing dwelling and whether it would preserve or enhance the character or appearance of the Preston Park Conservation Area, and (ii) the effect on the living conditions for occupiers of No. 113 Preston Drove as regards outlook and light.

## Reasons

3. On the first issue, the appeal scheme includes the erection of a single storey infill extension in the space between the two storey outrigger and single storey 1998 extension and the boundary with No. 113. A new single storey rear elevation would be formed across the full width of the building with the roof of the infill sloping down to the boundary.
  4. Whilst I can appreciate the reason for the infill proposal in terms of its benefit to the property's living area, the block plan forming part of Drawing No. CH 699/001 clearly shows the original layout of the terrace, with the outriggers paired, in this case No. 115 with 117. The infill of the space to the boundary with No. 113 would fail to preserve that original plan form and to some degree harm the character of the building.
  5. I note that the Council's SPD12 Design Guide for extensions and alterations specifically discusses this type of proposal, and whilst it does not entirely preclude them there is a caveat that the infill extension should not normally extend beyond the rear wall of the outrigger or wrap around it. In this case the proposal does extend beyond it through encompassing the 1998 addition and
-

would be tantamount to a wrap around. On this issue I therefore agree with the Council's view that the proposed extension would relate poorly to the main dwelling, detracting from the original plan form and resulting in the house having an over-extended appearance.

6. At the front of the building the appeal scheme includes three rooflights within an area of roofscape (Nos. 101-117) where there are none at present and of a size and spacing unsympathetic to the existing front elevation. As with the rear infill, it would be unreasonable to entirely preclude rooflights bearing in mind other approvals and given their importance to habitation of the roofspace. However, I consider that the existing number proposed and their size / spacing would be harmful to the building and the streetscene.
7. The effect of the changes to the front and rear of the building would in my view fail to preserve the character and appearance of the conservation area in conflict with Policies QD14 & HE6 of the Brighton & Hove Local Plan 2005 ('the Local Plan'). In respect of Section 12: 'Conserving and enhancing the historic environment' of the National Planning Policy Framework 2012 and in particular paragraph 134, I consider that although unacceptable for the reasons stated, the proposal would result in 'less than substantial harm' to the significance of the conservation area as a designated heritage asset. Nevertheless, whilst I acknowledge that the increase in accommodation at No. 113 is a 'public benefit', it would not outweigh the harm caused.
8. In reaching my conclusion on this issue I have had regard to the grounds of appeal, which include reference to a number of other permissions. However, each case is always different to some degree, and although in respect of both the infill extension and the rooflights I consider there are unacceptable aspects, I have not rejected the principle of the alterations.
9. Turning to the second issue, the infill extension would replace the boundary wall with an extension flank wall of increased height. Even allowing for the reduction in ground level as part of the proposal, I consider that this additional degree of enclosure would close down the outlook from the conservatory in the rear wall of No. 113 and the large window to the kitchen / diner in the flank wall of the outrigger. There would inevitably be an associated reduction in the amount of daylight reaching those rooms.
10. I acknowledge that the existing occupiers of No. 113 have not objected to the scheme and this is a material consideration in its favour. However, the planning system serves to safeguard the public interest, which includes the living conditions for future occupiers of the property. With this in mind, in its present form I consider that the infill extension would have an unacceptable effect on outlook and light in conflict with Local Plan Policy QD27 and the Council's SPD. I have taken the argument of a reduction in the existing overlooking of No. 113 into account, but whilst this may be a benefit of the scheme it does not in my judgement make the impact on outlook and daylight acceptable.

*Martin Andrews*

INSPECTOR