
Appeal Decision

Site visit made on 26 April 2016

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 16 May 2016

Appeal Ref: APP/Q1445/D/15/3143150

11 Chelston Avenue, Hove, BN3 5SR

- 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 David Pattenden against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/03269, dated 9 September 2015, was refused by notice dated 16 December 2015.
 - The development proposed is a single storey rear extension linking the kitchen to the garage building and converting part of the garage into a bedroom.
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Decision

1. The appeal is allowed and permission is granted for a single storey rear extension linking the kitchen to the garage building and converting part of the garage into a bedroom at 11 Chelston Avenue, Hove, BN3 5SR, in accordance with the terms of the application, Ref BH2015/03269, dated 9 September 2015, subject to the attached schedule of conditions.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the building and area as a whole; and
 - whether the proposal would lend itself to being used as a separate dwelling unit and, if so, the living conditions provided for future occupiers of the unit.

Reasons

Character and appearance

3. No 11 is a semi-detached property on the eastern side of Chelston Avenue, a cul-de-sac comprising pairs of very similar semi-detached properties. The gaps between the pairs are relatively narrow, often with a single width driveway opening out to a pair of garages set well back behind the houses. This is the arrangement between No 11 and its neighbour to the south, No 13.
4. No 11 has previously been extended to the rear with a single storey kitchen extension and conservatory. The proposal is for a further rear extension, linking the kitchen and garage with a single storey flat roof building. The building would be about 5.2 m long and 2.6 m wide, would accommodate a

- utility room and shower room, and in conjunction with this the garage would be converted to a home office/guest bedroom and an unspecified second room.
5. The proposed extension would be a relatively small scale single storey building. It would be flush with the side elevation of the original house and the rear extension, thus creating a long flank wall linking back to the garage. However, because the building would be set well back and the gap between Nos 11 and 13 is narrow it would only be glimpsed in views from the road. Consequently, although there are no similar extensions in the vicinity, the proposal would be discreet and not comprise an unduly prominent feature within the street scene. The proposal would only involve the loss of a small part of the existing garden and driveway and would not amount to overdevelopment of the site.
 6. The existing kitchen extension has a hipped roof and the garage a flat roof; these would be joined together by a further flat roof and a rooflight would be installed to light part of the garage. The result would be an incremental but not incongruous set of additions to the original building. Being no higher than the existing garage, set well away from the properties on either side and well screened by existing tall fencing on both side boundaries, there would only be a minimal impact on nearby properties and the area as a whole.
 7. The proposal would exceed the guidance in the Council's Design Guide for Extensions and Alterations 2013 (the Design Guide) that single storey rear extensions should normally be no deeper than half the original building. However, in this case the building would be small scale, adjacent occupiers would not be adversely affected and unusually the proposal would link to a detached garage which already lies well to the rear of the property.
 8. For these reasons the proposal would not cause significant harm to the character and appearance of the building or the area as a whole. Consequently there would be no material conflict with saved Policy QD14 of the Brighton and Hove Local Plan 2005 (the Local Plan) which requires extensions to be well designed in relation to adjoining properties and the surrounding area. There would also be no material conflict with the Design Guide as explained above.

Separate occupation and living conditions

9. The proposal would create a small area of accommodation containing a bedroom, second unspecified room and wc/shower room. This area could potentially include the facilities necessary for a separate residential unit but it would provide poor living conditions for any independent occupier. In particular, it would be very small, the bedroom would have no window, there would only be one kitchen/dining/living room and no provision for any outdoor amenity space. In addition, the kitchen/dining/living room window would look directly out onto the rear garden of the main house severely prejudicing the privacy of the occupier.
10. For these reasons the proposal does not lend itself to being used as a separate, independent dwelling unit and the appellants have confirmed that the extension and converted garage would only be used as ancillary accommodation in connection with the main house. This can be secured by a condition which, contrary to the Council's view, would be enforceable. Consequently there is no conflict with Policies QD2, QD3, QD27 and HO5 of the Local Plan which seek to ensure new development takes account of local characteristics, avoids town

cramming, protects the amenity of proposed and existing occupiers and provides private useable amenity space in new residential development.

11. The Council has suggested three conditions should the appeal be allowed and I agree they meet the relevant tests. In addition to the standard implementation time limit it is necessary to define the plan which has been approved in the interests of proper planning. A condition requiring the use of matching materials is also necessary to ensure the development has a satisfactory appearance. Finally, as proposed by the appellant, a fourth condition is necessary to ensure the development is used as ancillary accommodation only. An additional independent dwelling would not be acceptable in this location.

Conclusion

12. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 15-117-02 Rev D.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The development hereby permitted shall not be occupied at any time other than for purposes incidental or ancillary to the use of No. 11 Chelston Avenue as a dwellinghouse and for no other purpose.

