

Appeal Decision

Site visit made on 17 May 2016

by H Porter BA(Hons) PG Dip IHBC

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

Decision date: 6 June 2016

Appeal Ref: APP/Q1445/D/16/3145870

4 Frederick Gardens, Brighton BN1 4TB

- 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 Chris Hayes against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/03726, dated 15 October 2015, was refused by notice dated 11 February 2016.
 - The development proposed is rear extension and replacement windows and doors.
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Decision

1. The appeal is allowed. Planning permission is granted for a rear extension and replacement windows and doors at 4 Frederick Gardens, Brighton BN1 4TB, in accordance with the terms of the application Ref BH2015/03726, dated 15 October 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 163/01; 163/03; 163/04; 163/05; 163/06; 163/07; 163/08; 163/09; 163/10; 163/11; 163/12.

Procedural Matters

2. Since it issued its decision Brighton & Hove City Council (the Council) has adopted the City Plan Part One, 24 March 2016 (the City Plan). As a result a number of saved policies from the Brighton & Hove Local Plan 2005 (the Local Plan) have been superseded. Nonetheless, Policies HO5, HE6, QD14 and QD27 of the Local Plan, as cited in the Council's Reasons for Refusal have been retained. In the circumstances, I am satisfied that the adoption of the City Plan does not materially affect this appeal.

Main Issues

3. The main issues are the effect of the proposal on:
 - a) the character and appearance of the host property and surrounding area;
 - b) the living conditions of occupiers of the property with particular regard to outdoor space, and the outlook of neighbouring occupiers of 3 Frederick Gardens.

Reasons

Character and appearance

4. The appeal property is a small two storey, mid-terrace cottage fronting Frederick Gardens, an intimate pedestrian route in the North Laine Conservation Area. The Conservation Area as a whole consists of a grid iron pattern of streets, fronted mainly by modest 19th century terraces interspersed with industrial plots and later infill. The Frederick Gardens frontage has a strong building line, with properties set back by private front gardens. The modest scale and tight urban grain of the terrace is accentuated by the scale of built form nearby, and by the proximity of the Frederick Street elevations to the rear. The majority of buildings along the lane have a unifying material palette of white painted render or brick and timber sash windows. It is the intimacy of the route, the consistency of materials, and modest scale of the 19th century terrace that adds charm and character and is in keeping with the appearance of the North Laine Conservation Area as a whole.
5. Inconsistent with its neighbours, 4 Frederick Gardens has uPVC windows that currently undermine the unity of the terrace and detract from the character and appearance of the wider Conservation Area. The ground floor internal space is open-plan and accommodation in the existing rear extension fairly cramped. From the rear of the property, the closeness of surrounding buildings and the limited extent of the rear courtyard, and that of 3 Frederick Gardens, is particularly apparent. While what little external space there is does contribute some relief from the proximity of built form locally, the function of these spaces is considerably limited by their size.
6. The open-plan ground floor and relatively modern construction of the existing rear extension would suggest that the original plan form of the building has already, to some degree, been lost. Furthermore, I observed during my site visit that a number of the small rear courtyards locally have various footprints of development within them. There is no specific evidence to indicate why, in this instance, the original plan form of an unlisted building is of relevance or warrants specific preservation in its own right. I therefore do not consider that the loss of the existing narrow courtyard space, which cannot be seen from the public realm, would result in unacceptable harm to the building, the local area or the North Laine Conservation Area.
7. The small extension proposed would result in a modest increase in internal living space and, at single storey, would be diminutive in scale to the original dwelling. I therefore do not consider that the proposal would constitute overdevelopment of the appeal site. While I accept that the roof form is a digression from the existing flat-roof extension, I noted that 3 Frederick Gardens has a combined pitch and flat roof extension to the rear of the courtyard space, indicating that there is no prevailing type or design of rear extension roof form locally. Despite the angled pitch of the proposed roof, I do not consider this would result in any specific harm to the character or appearance of the building, the terrace nor the wider Conservation Area.
8. The proposal development includes replacement of the existing uPVC windows and 6-panel front door with timber, of a design more in keeping with the terrace as a whole. This aspect of the proposals would be an improvement; the proposal overall therefore would enhance the character and appearance of the Conservation Area and thus accord with Policy HE6 of the Local Plan and

Policies CP12 and CP15 of the City Plan, which amongst other things, seek to ensure the city's historic environment is conserved and enhanced. The proposed development would also accord with saved Policy QD14 of the Local Plan which relates to extensions and alterations and seeks ensure extensions are well designed.

Living conditions

9. The proposed development would remove the strip of open courtyard space for the current and future occupiers at 4 Frederick Gardens. The unique context of the terrace, fronting a quiet pedestrian only access route, means the front garden is unusually private. Removing the rear courtyard altogether would not therefore result in the entire loss of useable outdoor amenity space. Furthermore, the beneficial attributes in terms of space for storage and the drying of clothes would be provided through the new internal spaces contained within the proposed extension. Overall, therefore, I consider that the living accommodation at 4 Frederick Gardens would not be materially harmed by the proposals. Local Plan Policy HO5 refers to the provision of private useable amenity space in new residential development and goes on to state that front gardens will be taken into consideration. Whilst the proposed development does not involve new development, I am satisfied that the front garden at the appeal property constitutes a usable amenity space; consequently I find no conflict with this Policy.
10. The existing situation to the rear of 3 and 4 Frederick Gardens is extremely constrained, with an already limited outlook and overall perception of enclosure. There is no doubt that the proposed development, through increasing the height of the party wall and removing the gap provided by the courtyard at 4 Frederick Gardens, would change the outlook and increase the sense of enclosure for residents at 3 Frederick Gardens. That said, given the extent to which the rear outlook from the properties along this terrace is already considerably restricted, I do not consider that this change would result in any significant harm to the living conditions of the neighbouring residents at 3 Frederick Gardens. I therefore do not find the proposed development would run contrary to saved Policy QD27 of the Local Plan, which seeks to protect the amenity of existing and future residents of a building and its neighbours, including in regard to outlook.

Conditions

11. I do not consider it is necessary to impose a condition relating to the materials of external surfaces, as requested by the Council, as a satisfactory level of detail is provided by the approved plans. For the avoidance of doubt and to ensure a satisfactory development in the interests of good planning, I have imposed a condition requiring the development to be carried out in accordance with the approved plans.

Conclusion

12. For all of the above reasons, I conclude that the appeal should be allowed.

H Porter

INSPECTOR

