

Appeal Decision

Site visit made on 22 March 2016

by Richard S Jones BA(Hons) BTP MRTPI

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

Decision date: 4 April 2016

Appeal Ref: APP/Q1445/D/15/3138820
17 Pembroke Avenue, Hove BN3 5DA

- 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 B Harrison against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/02855, dated 4 August 2015, was refused by notice dated 19 October 2015.
 - The development proposed is the erection of a single storey rear extension with associated landscaping and works to boundary wall.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension with associated landscaping and works to boundary wall at 17 Pembroke Avenue, Hove BN3 5DA, in accordance with the terms of the application, Ref BH2015/02855, dated 4 August 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 313PA17/01 (as existing ground floor and roof plans, location and block plans); 313PA17/02 (as existing rear and side elevations); 313PA17/03 (proposed ground floor and roof plans) and 313PA17/04 (proposed block plan and elevations).
 - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Preliminary matter

2. I have used the description of the proposal set out in the Council's decision notice. It adequately and simply describes the proposal instead of the more detailed description given in the application form. This amended description also reflects that provided by the appellant in the appeal form.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the neighbours at No 19 Pembroke Avenue with particular reference to outlook.
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Reasons

4. The host property is an attractive two storey semi-detached dwelling with a two storey rear bay window incorporating doors at ground floor level. This feature is replicated in a symmetrical manner at the adjoining property at No 19, positioned either side of the common boundary.
5. As a bay window, part of the ground floor window of No 19 would be orientated, at an angle, towards the side wall of the extension. At present, the immediate built focus in terms of outlook is the existing brick and timber trellis boundary treatment. Although somewhat higher than this, the extension would not appear excessively large. In this respect, being materially less than half of the depth of the main house, the extension would accord with the Council's guidance for single storey rear extensions located adjacent to a shared boundary, as set out in Supplementary Planning Document 12¹.
6. As a result of its relatively modest depth and height as well as its flat roof design, the outlook from the bay window at No 19 would not be dominated by the built form of the extension to an extent whereby its effects would be unduly overbearing or oppressive, and not to an extent which would warrant dismissing the appeal.
7. The effect would also be mitigated by the main glazed doors being orientated down the length of the garden and their existing projection from the main rear elevation, which would reduce the relative depth of the proposed extension. Moreover, the comfortable width and length of the garden at No 19 is such that the extension would occupy only a relatively short depth along the boundary and would not result in an undue sense of enclosure.
8. I therefore find that the extension would not result in effects to the living conditions of the occupants of No 19, with particular reference to outlook, which would result in conflict with Policies QD14 and QD27 of the Brighton and Hove Local Plan 2005² (LP), and guidance within Supplementary Planning Document 12. These state, amongst other matters, that planning permission for extensions or alterations will only be granted if the proposed development would not result in significant loss of outlook or amenity to neighbouring properties.

Other matters

9. The appeal site is located within the Pembroke and Princes Conservation Area. Having regard to the design, size and siting of the development, I agree with the Council that the proposal would preserve the character and appearance of the Conservation Area, the desirability of which is fully anticipated by section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and LP Policy HE6.

Conditions

10. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. In the interests of preserving the character

¹ Supplementary Planning Document 12, Design Guide for Extensions and Alterations, adopted 20 June 2013.

² Brighton and Hove Local Plan Policies Retained on Adoption of the Brighton & Hove City Plan Part One (March 2016).

and appearance of the conservation area, I also consider a 'samples' condition to be necessary rather than in this instance rely on the standard 'matching' materials condition.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Richard S Jones

Inspector

