

Appeal Decision

Site visit made on 21 November, 2016

by C. Jack, BSc (Hons) MA MA(TP) MRTPI

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

Decision date: 6th December, 2016

Appeal Ref: APP/Q1445/W/16/3155703

Flat A, 22 Wellington Road, Brighton, BN2 3AA

- 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 Ms. Orly Klein against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/00501, dated 8 February, 2016, was refused by notice dated 2 June, 2016.
 - The development proposed is to install a front roof light and rear toilet addition plus roof light.
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Decision

1. The appeal is allowed and planning permission is granted to install a front roof light and rear toilet addition plus roof light at Flat A, 22 Wellington Road, Brighton, BN2 3AA in accordance with the terms of the application, Ref BH2016/00501, dated 8 February, 2016, 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: Location Plan; Block Plan and Proposed Front Elevation; Existing Rear Elevation; Proposed Rear Elevation; Proposed Second Floor Plan and Section; Existing Ground Floor and First Floor Plan.
 - 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.

Application for costs

2. An application for costs was made by Ms. Orly Klein against Brighton and Hove City Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. Flat A is the upper residential unit of 22 Wellington Road, an end of terrace property that has been converted into three flats. The building is of Victorian villa appearance, set in a predominantly residential street of mixed character
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including other villas and multi-storey blocks of flats. The appeal site backs onto the rear of nearby terraced houses in De Montfort Road, separated by their respective, relatively short, back yards. There is an existing two storey, flat-roofed extension to the rear of No 22, which accommodates a small cloakroom with toilet on the existing ground floor and first floor. This extension is mirrored at the attached property, 20 Wellington Road.

5. It is proposed to add an additional storey to the existing rear extension, in order to provide another cloakroom with toilet on the second floor to serve the two bedrooms on that level. It is also proposed to add one roof light each to the front and rear roof slopes.
6. The rear extension would be modest in scale, projecting only a limited distance from the rear elevation. The flat roof would sit somewhat awkwardly, being a little higher than the eaves of the main roof. However, the extension would be small and would not be seen in any public views. While it would be seen from the rear of various properties, particularly those nearby in De Montfort Road, this would be in the context of multifarious existing rear extensions and alterations in Wellington Road and De Montfort Road, with examples ranging from ground floor to roof level and various roof forms, including flat roofs. In this context, any harm arising would not be significant, particularly given the modest scale of the proposed addition, its inconspicuous position, and the proposed use of matching materials. In addition, the window design and positioning would reflect that of the host building.
7. In these respects the proposal would also be generally consistent with the design principles for two (or more) storey rear extensions contained in the Council's adopted Supplementary Planning Document 'Design guide for extensions and alterations' 2013 (SPD12) . While this advises that flat roofs are generally unacceptable, the other examples of flat roofs in the vicinity, at various levels, mean that such roofs are a relatively common feature and so now form a part of the character and appearance of the facing rear elevations of both roads. Therefore, my findings above are not outweighed.
8. The proposed roof lights would be subordinate to the front and rear roof slopes, generally consistent with the relevant guidance of SPD12, and would have no significant effect on the character and appearance of the building or the wider street scene.
9. For these reasons, I conclude that the proposed development would not significantly affect the character and appearance of the area. Accordingly, I find no conflict with retained Policy QD14 of the Brighton and Hove Local plan 2005, which seeks to ensure that proposed development is well designed , sited and detailed in relation to the property to be extended, adjoining properties and the surrounding area and uses materials sympathetic to the parent building, among other things.

Other Matters

10. I note the Council's concern that to allow the proposed development would create a precedent for other similar developments. However, there is no significant evidence before me that other similar development is especially likely to be repeated nearby, or that the cumulative effect of such a course of events would necessarily be harmful to the character and appearance of the area. Furthermore, I must determine the appeal on the basis of the proposal

and evidence before me and any subsequent application or appeal relating to similar development must also be considered on its own merits. Therefore, the issue of precedent carries only limited weight in favour of the Council's case, which does not outweigh my findings above.

Conditions

11. The Council has suggested the three standard conditions, which I consider are reasonable and necessary. Therefore, in addition to the standard time limit for commencement, I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed a condition relating to external materials, which is necessary to ensure the satisfactory appearance of the development.

Conclusion

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

Catherine Jack

INSPECTOR