
Appeal Decision

Site visit made on 21 November 2016

by Grahame Gould BA MPhil MRTPI

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

Decision date: 19th December 2016

Appeal Ref: APP/Q1445/W/16/3156328

12 Coombe Terrace, Brighton, East Sussex BN2 4AD

- 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 Eyad Khalil against the decision of Brighton and Hove City Council.
 - The application Ref BH2016/00384, dated 21 January 2016, was refused by notice dated 17 June 2016.
 - The development proposed is described as 'retrospective application for planning permission to retain rear shop new store'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development has been completed as per the details shown on the application drawings, with a 4.0 metre deep, single storey extension having been constructed to the rear of the appeal property (No 12). This extension is being used for storage purposes in association with the shop's operation. I have therefore determined this appeal as one concerning development that has been implemented in accordance with the details shown on the drawings listed on the Council's decision notice.

Main Issues

3. The main issues are the effect of the development on: the living conditions of the occupiers of 11 and 11A Coombe Terrace (No 11/11A), with particular regard to outlook and light; and the character and appearance of No 12 and the surrounding area.

Reasons

Living Conditions

4. No 12 is a mid-terrace, two storey property which is occupied as a shop on the ground floor with residential accommodation on the first floor. No 11/11A is similarly occupied, albeit that the shop area is currently vacant. No 11/11A's rear yard area is quite small and it appeared to be used for domestic purposes, given the presence of a rotary washing line.
 5. The extension is attached to the rear of No 12's two storey outrigger and is a little deeper than the outrigger's own depth. In comparative terms the rearward projection at No 12 is now significant, with the majority of the area
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to the rear of this property now being occupied by single and two storey structures. While the extension has been offset from the boundary with No 11/11A by around half a metre, this boundary is marked by a low wall and I therefore consider that its presence is having a significant enclosing effect, with the southerly outlook in No 11/11A's yard having been greatly reduced. There is no meaningful outlook to the east (rear) of No 11/11A because of the proximity of the four storey warehouse building in Coombe Road.

6. I recognise that the extension may be giving rise to some loss of light and overshadowing to the rear of No 11/11A. However, I do not consider that that loss is of a scale that is harmful to the occupiers of No 11/11A. That is because of the single storey nature of the extension and the proximity of the large warehouse building to the rear, with the latter having much greater implications for the receipt of light to the rear of No 11/11A.
7. While there may be other properties in Coombe Terrace with extensions, those additions were not apparent when I undertook my site visit. I am therefore unable to make a comparison between No 12's extension and any others. In any event I am required to consider the development on its own merits and that is what I have done.
8. For the reasons given above I conclude that the extension's adverse effect on the outlook from No 11/11A's yard is causing unacceptable harm to the living conditions of the occupiers of this property. There is therefore conflict with Policies QD14 and QD27 of the Brighton and Hove City Plan Part One of 2016 (the City Plan) because of the loss of outlook and resulting harm to the amenity (living conditions) of the occupiers of a neighbouring property.

Character and Appearance

9. Although the extension is occupying the majority of the area to the rear of No 12 I found its flat roof and the use of timber cladding to mean that it has, in architectural terms, a subordinate appearance relative to No 12. I therefore find that the extension is neither unduly bulky nor out of character with No 12 or its surroundings.
10. I therefore conclude that the development has not caused harm to the character or appearance of No 12 or the surrounding area. Accordingly in this respect there is no conflict with Policy QD14 of the City Plan or the Council's Supplementary Planning Document 12 'Design Guide for Extensions and Alterations' of 2013 because the extension is appropriately designed and sited relative to No 12 and is not excessive in scale relative to that property.

Conclusion

11. While I have found that the extension has not harmed the character and appearance of No 12 and the surrounding area, it is causing unacceptable harm to the living conditions of the occupiers of No 11/11A because of the loss of outlook. The appeal is therefore dismissed.

Grahame Gould

INSPECTOR