
Appeal Decision

Site visit made on 4 July 2019

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2019

Appeal Ref: APP/Q1445/D/19/3227278

29 Brooker Street, Hove, BN3 3YX

- 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 Linda Gray against the decision of Brighton and Hove City Council.
 - The application Ref BH2019/00582, dated 27 February 2019, was refused by notice dated 18 April 2019.
 - The development proposed is the erection of a single-storey rear infill extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey rear infill extension at 29 Brooker Street, Hove, BN3 3YX in accordance with the terms of the application, Ref BH2019/00582, dated 27 February 2019, 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: Drg Nos 001, 002 and 003.
 - 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.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of 29 Brooker Street and the wider area, and upon the living conditions at 28 Brooker Street, with particular regard to visual impact and daylight.

Reasons

Character and Appearance

3. The appeal property is a two-storey, terraced dwelling with an original two-storey 'outrigger' attached to a similar arrangement at No 30. There is a light-well adjacent to the boundary with No 28 which is mirrored by this

neighbouring property giving a 'dog-tooth' pattern of development typical for properties more widely within the area. The appeal property has a single-storey, flat roof extension attached to the rear of the outrigger. The proposal would fill the light-well with a single-storey, flat roof extension and which would finish flush with the existing rear extension, projecting along the boundary with No 28 to a depth of around 6.7m beyond the rear wall of the original house at this point.

4. The Council's SPD12 *Design Guide for Extensions and Alterations* (2013) advises that an infill extension that wraps around the outrigger of a dwelling, which would effectively be the case in this instance, can unacceptably disrupt the original plan form of the building. I recognise that the ground floor plan of the existing dwelling would change, with a fairly large kitchen/dining area created to the rear, but I am unable to detect any specific harm to the character of the property as a result of this change.
5. The alterations would not be seen from the public domain, and only limited sight would be had of the extension from adjoining properties. Furthermore, the original outrigger would remain as a dominant feature at first floor level. The extension would be finished in materials to match the existing building and would blend with the existing extension to appear as a wholly integrated addition that would be appropriately sub-ordinate and well related to the original dwelling. Overall, I am satisfied that the extension would display the quality of design that is required by Policy CP12 *Urban Design* of the Brighton and Hove City Plan Part One (2016) and Policy QD14 *Extensions and Alterations* of the Brighton and Hove Local Plan (retained policies March 2016).

Living Conditions at 28 Brooker Street

6. The boundary between Nos 28 and 29 along the length immediately adjacent to the side elevations of the dwellings is demarcated by a solid wall approximately 2m in height. There are some outbuildings at No 29 built into the wall as an integral part of its original design. These would be demolished to make way for the extension. Deeper along the boundary, separating the rear garden areas beyond the dwellings, the boundary enclosure's height increases to approximately 2.8m.
7. The height of the extension would measure 2.6m. This would project above the height of the existing enclosure along this part of the boundary. However, I saw that No 28 has a timber outbuilding positioned adjacent to the common boundary and occupying space within the light-well and extending to almost an equivalent depth of the outrigger.
8. The proposed extension would ordinarily have the potential to impact upon the neighbours' living conditions by having a visually prominent and enclosing presence. However, due to the existing arrangement of buildings and boundary enclosures, even though the extension would be taller, I am not persuaded that there would be any significant affect upon the outlook from within No 28, or space within the neighbouring light-well, through any sense of overbearing or overshadowing impact. The specific circumstances in this case lead me to conclude that there would be no harm to the living conditions at 28 Brooker Street and therefore no conflict with Policy QD27 *Protection of*

amenity. I note also that there was no objection from the occupiers of the adjoining property.

Conditions

9. A condition specifying the relevant drawings is necessary as this provides certainty. In the interest of maintaining the character and appearance of the area it is necessary to ensure that the external materials used match the existing building.

Conclusions

10. For the reasons given, I conclude that there would be no harm to the character or appearance of the area, or to the living conditions at 28 Brooker Street. Accordingly, in the absence of any other conflict with the development plan, the appeal is allowed.

John D Allan

INSPECTOR