



Appeal Decision

Site visit made on 5 August 2019

by Tim Crouch DipUD MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2019

Appeal Ref: APP/Q1445/W/19/3229164

Dental Surgery, 74 Old London Road, Brighton BN1 8XQ

- 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 James Burton of Sussex Garden Rooms against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/00418, dated 12 February 2019, was refused by notice dated 9 April 2019.
 - The development proposed is erection of a rear garden room to provide staff room accommodation in the rear garden of the existing dental surgery.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a rear garden room to provide staff room accommodation in the rear garden of the existing dental surgery at Dental Surgery, 74 Old London Road, Brighton BN1 8XQ in accordance with the terms of the application, Ref BH2019/00418, dated 12 February 2019, and the plans submitted with it, subject to the following conditions:
 - 1) Within 3 months of the date of this decision the windows on the southern elevation shall be fixed with obscure glazing to Pilkington Level 5 and be made fixed to render them unopenable. The windows shall be retained as such thereafter.

Procedural Matter

2. I saw on my site visit that the garden room has been erected and is in use. I have therefore considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on, firstly, the appearance of the existing building, and secondly, the living conditions of occupiers of the neighbouring property, No 72 Old London Road.

Reasons

Appearance of existing building

4. The existing building is a mid-terrace 3 storey building. There are commercial units on the ground floor, with residential above. The proposal is set to the rear, within the tapering rear garden. The rear elevations of the terrace display a variance of materials, additions and outbuildings of varying scale and proportions reflecting the narrowing plots as the terrace curves in its corner

position. I recognise that the Council states that there are no planning records for these other additions and that they should not be considered precedents, however there is an established informal backland ancillary character with service units. There are also areas of mature landscaping screening some of the rear elevations.

5. The proposal is a detached outbuilding set close to the existing building. It is single storey and has some physical separation from the main building. This scale and separation along with the flat roof design results in a building clearly subservient and, with contrasting materials, reflects a distinction from the main building. It does not appear dominant or incongruous but rather an ancillary structure. Whilst an angled shape, this is formed of ordered straight lines and proportions, running parallel to the boundaries and therefore does not appear overly constrained. The building covers a significant proportion of the garden close to the main building and is separated from the remaining area by a mature tree, which provides screening and a visual break. It therefore does not appear overly dominant within the garden. Whilst leaving a smaller open area this would not be significantly detrimental given it serves a commercial unit.
6. Whilst the man-made cladding is not a natural material and is set horizontally, it contrasts positively with the red brick building and appears as an ancillary, distinct outbuilding reflecting the range of rear additions and range of materials within the wider terrace. It is also well screened from the rear.
7. Therefore, the development does not harm the appearance of the existing building. Consequently, it is not contrary to Policy QD14 of the Brighton and Hove Local Plan (2005) (LP) or CP12 of the Brighton and Hove City Plan Part One (2016). Taken together and amongst other objectives, these require development to be well designed, sited and detailed in relation to the property and to respect the diverse character of the city's neighbourhoods.

Neighbouring occupiers

8. The proposal lies close to the boundary with No 72. This is a grassed rear garden which has a close boarded fence to approximately 1 metre in height. The appeal building therefore extends above this. However, given the height and flat roof of the building and the linear open outlook to the rear of the garden, this does not result in a significantly overbearing relationship.
9. The building does however have two higher level windows orientated across the rear of No 72. This does afford a level of overlooking, and given the use of the building as a staff breakout space, is likely to be used regularly. This however can be addressed through a condition to obscure this glazing and fix them closed. This would prevent such a relationship, which I note the appellants would be willing to install.
10. Therefore, the development does not harm the living conditions of occupiers of the neighbouring property, No 72 Old London Road. Consequently, it is not contrary to Policy QD27 of the LP which requires that development does not cause material nuisance and loss of amenity to adjacent occupiers.

Other Matters

11. The development lies outside the Conservation Area and given its position to the rear of the terrace, does not have an effect on the setting of this designation.

Conditions

12. As the development has already occurred there is no requirement for the standard time limit condition or for approved plans. However, as set out above, there is a requirement for obscure glazing to be installed and retained in order to secure the living conditions of neighbouring occupiers.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed subject to conditions.

Tim Crouch

INSPECTOR