

Appeal Decision

Site visit made on 15 August 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2019

Appeal Ref: APP/Q1445/D/19/3231115

289 Freshfield Road, Brighton BN2 9YF

- 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 Collis against the decision of Brighton and Hove City Council.
 - The application, Ref. BH2019/00313, dated 5 February 2019, was refused by notice dated 26 March 2019.
 - The development proposed is a two-storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension at 289 Freshfield Road, Brighton in accordance with the terms of the application, Ref. BH2019/00313, dated 5 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 shall be carried out in accordance with the following approved plans: Drawing Nos. 17-127-1 Rev. a; 17-127-2 Rev. a; 17-127-9; 17-127-10; 17-127-11;
 - 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: (i) the effect of the proposed extension on the character and appearance of the host building and its surroundings, and (ii) the effect on the living conditions for nearby occupiers as regards their outlook.

Reasons

3. The appeal scheme is an amendment of a similar proposal dismissed at appeal on 29 October 2018. The main issues in that Decision also apply in this case as the Council considers that the changes made do not sufficiently address the original objections, and in one respect result in a new one (the visual impact of the flat roof).
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4. On the first issue, the Council considers that the extension would harm the character and appearance of the host property because of the un-matching eaves, flat roofed element and insufficient set back.
5. However, I consider the 0.5m set-back would be adequate and note that it meets the minimum standard in the Council's Supplementary Planning Document (SPD) 12: 'Design Guide for Extensions and Alterations' 2013. The un-matching eaves are consequential on the stepping down of the ridge by 1.4m compared to the previous 0.15m. I do not consider that the lower eaves line would draw the eye as an awkward design feature and note the appellant's point that the existing context is one of an eaves height of the properties generally following the slope of the street. I also agree with the grounds of appeal that the flat roof would not be readily apparent from ground level, particularly in views from Freshfield Road.
6. This amendment enhances the subservience of the proposed extension in relation to the host dwelling, and this beneficial characteristic is further assisted by the reduction in the width of the extension to 3m, which is half that of the house and therefore now accords with the SPD.
7. On this issue, I conclude that the amended proposal would not harm the character and appearance of the host building and its surroundings and would not be in harmful conflict with Policy QD14 of the Brighton and Hove Local Plan ('the Local Plan'); the Council's SPD, and Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2019 ('the Framework').
8. Turning to the second issue, the narrower width of the extension slightly increases the distance from the boundary and rear elevation of No. 287 Freshfield Road, the property mainly affected in terms of outlook. However, of much greater significance is the amendment of the original scheme through the lower ridge and eaves height (1.4m and 0.4m respectively). This would decrease any perception of bulk and dominance in the outlook from No. 287 and although the extension would still be at close quarters its impact is, and still would be, significantly reduced by the angular rather than direct relationship between the two dwellings. In addition the main area of No. 287's garden is to the side rather than the rear and this would be far less affected.
9. I have also taken account of the fact that there have been no objections from the occupiers of No. 287 and although not in itself a deciding factor this nonetheless adds weight to my decision that, on balance, the amended scheme would not have an unacceptable effect on the outlook for nearby residents. There would therefore be no unacceptable conflict with Local Plan Policies QD14 & QD27 and paragraph 127f) of the Framework.
10. I shall therefore allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and in the interests of proper planning. A condition specifying matching external materials will preserve visual amenity.

Martin Andrews

INSPECTOR