
Appeal Decision

Site visit made on 9 July 2019

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2019

Appeal Ref: APP/Q1445/D/19/3223869

55 Coleman Street, Brighton, BN2 9SQ

- 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 Karl Bray against the decision of Brighton & Hove City Council.
 - The application Ref: BH2018/03054 dated 3 October 2018, was refused by notice dated 1 February 2019.
 - The development is a proposed two-storey rear extension.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Karl Bray against Brighton & Hove City Council. This application is the subject of a separate Decision.

Procedural matters

3. The Council's decision notice refers to the effect of the proposed development on the living conditions of the occupiers of 56 Coleman Street. In the Council's rebuttal of the applicant's application for costs it clarifies that this reference is an error, and that the reference should be to 54 Coleman Street. However, for the avoidance of doubt, I have considered the effects of the proposed development on the living conditions of the occupiers of both No. 54 and No. 56. As the appellant's Statement of Case refers to the effects on the occupiers of both properties, I do not consider this to be prejudicial to either party's case.

Main Issues

4. The main issues are the effects of the proposed development on i) the character and appearance of the area and ii) the living conditions of the occupiers of the neighbouring properties, with particular regard to outlook and overshadowing.

Reasons

Character and appearance

5. The appeal property is one of a terrace of modest 2-storey dwellings with small rear courtyards. There are a variety of single storey rear extensions to properties along the side of Coleman Street on which the appeal property is

located. Accordingly, the appearance of the rear elevation of the terrace at ground floor level is not uniform. However, the rear elevation of the terrace has a large degree of consistency of form at first floor level due to the absence of first floor extensions, the extension to No. 54 being the exception. I do not have the full details of this extension but in any event, I am determining this appeal on its own merits.

6. I accept that the rear elevations of the terrace are not visible from the street, but they are clearly visible from a number of neighbouring properties. The general lack of built form at first floor level is important in defining the character and appearance of the rear of the terrace. To my mind a further first floor extension would be harmful to this.
7. The proposed development is a revised design following the refusal of planning permission for the erection of a two-storey rear extension spanning the full width of the property under Ref: BH2018/01561 in August 2018. The proposed first floor element has been reduced in size by lowering the eaves height, reducing the depth and narrowing the width, thus setting it back from both the boundary with 54 Coleman Street and the proposed ground floor extension. The eaves height of the first-floor element as now proposed would match the eaves height of the existing property and the ridgeline of the extension would be lower than the ridgeline of the existing property. I consider that the revised design of the proposed extension would have an acceptable impact on the character and appearance of the appeal property.
8. Nevertheless, I conclude that the proposed development would be harmful to the character and appearance of the terrace of which the appeal property is a part. As such, it would be contrary to Policy QD14 of the Brighton & Hove Local Plan (2005) (BHLP) which requires extensions to be well-designed in relation to the property to be extended, adjoining properties and to the surrounding area.

Living conditions

9. Notwithstanding the set back of the proposed first floor extension from the boundary with 54 Coleman Street, I consider that, given the extent of its projection relative to the restricted rear amenity area of No. 54, it would be overbearing for the occupiers of that property.
10. It would cause additional overshadowing of the rear extension and rear garden of No. 54 compared to the current position, as acknowledged by the appellant. Given the orientation of the properties relative to the arc of the sun, the appellant suggests that overshadowing would be restricted to early/late evening. From my own observations of the position of the sun during my site visit, which took place in the early afternoon, I consider that this would be the case. I thus do not consider that the degree of additional overshadowing of No 54 from the proposed development would be materially harmful.
11. The proposed first floor extension would partially obscure the outlook from the first-floor window in the rear extension of No. 54 facing the appeal property. However, given the distance between the proposed extension and the window and their relative heights, I do not consider that there would be a significant loss of daylight arising from the proposed development to this room.

12. The first-floor windows in 56 Coleman Street, the neighbouring property to the other side of the appeal property, face the garden of that property and it lies approximately to the south west of the appeal property. Accordingly, I do not consider that the proposed development would cause significant loss of sunlight or daylight to the occupiers of No. 56.
13. Nevertheless, I conclude that the effect of the proposed development would be harmful to the living conditions of the occupiers of No. 54 by being overbearing and thus contrary to Policy QD27 of the BHLP, which protects the living conditions of adjacent residents and occupiers.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

Martin Small

INSPECTOR