
Appeal Decision

Site visit made on 18 November 2019

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2019

Appeal Ref: APP/Q1445/D/19/3235236

2 Gloucester Yard, 121-123 Gloucester Road, Brighton BN1 4AF

- 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 Mrs Annabel Busby against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/01639, dated 3 June 2019, was refused by notice dated 16 July 2019.
 - The development proposed is a rear extension to infill rear yard to make internal space with roof light.
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Decision

1. The appeal is allowed, and planning permission is granted for a rear extension to infill rear yard to make internal space with roof light at 2 Gloucester Yard, 121-123 Gloucester Road, Brighton BN1 4AF in accordance with the terms of the application, Ref BH2019/01639, dated 3 June 2019, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby approved shall be carried out in accordance with the following plans:

CH923/001		Location & Block Plans
CH923/002	rev B	Existing Plans
CH923/003	rev B	Existing Elevations & Sections
CH923/004	rev B	Planning Application Proposed Plans
CH923/005	rev B	Planning Application Proposed Elevations & Sections
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The Council concludes that the extension would not fail to preserve or enhance the character or appearance of the North Laine Conservation Area Conservation Area. I have no reason to disagree with that conclusion. Therefore, the main issues are the effect of the proposal on the living conditions of:
 - the occupiers of 2 Gloucester Yard, in terms of private amenity space; and,
 - the occupiers of 1 and 3 Gloucester Yard, in terms of outlook.
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Reasons

2 Gloucester Yard and private amenity space

3. Whereas the third floor of this live/work unit has a large terrace with an open aspect facing south, giving views across the rooftops of the centre of Brighton, the lack of daylight and sunlight in its back yard, its limited size, and the imposing sense of enclosure from the walls of the buildings surrounding it limits its utility as a private, outdoor amenity space.
4. I note that the planning permission for the original development included a condition restricting the use of the ground floor of the live/work units to class B1 (business), so the relevance of the back yard as part of the amenity space for a family dwelling is unclear. Notwithstanding this, given the high quality of the amenity space on the terrace which I saw laid out for the occupiers to comfortably sit within, together with the quality of the amenity space in the secure, communal yard, I do not consider that the loss of the back yard as amenity space would reduce the living conditions of the occupiers of 2 Gloucester Yard by an unacceptable degree.
5. I note that the live-work units on the opposite side of the same development do not have back yards. Given this, and the limited size and utility of the back yard as amenity space, its replacement by the proposed extension would not be inappropriate to the character or scale of the original development. I can identify no conflict with saved policies QD27 and HO5 of the Brighton & Hove Local Plan 2005 retained 2016 (LP) which protect the amenity of existing occupiers and require private amenity space in new residential development appropriate to the scale and character of the development.

1 and 3 Gloucester Yard and outlook

6. I have taken into account the height and proximity of the surrounding tall walls and their enclosing effect on the neighbouring units and their back yards whose outlook they constrain. However, the additional height of the flanks of the proposed extension over the existing boundary fences is not so great that they would be overbearing in the outlook from inside units 1 and 3 or from within their yards. They would not materially exacerbate the present sense of surrounding enclosure on these occupiers or reduce their outlook by an unacceptable degree.
7. I find no harm from the proposal to the living conditions of the occupiers of 1 and 3 Gloucester Yard, in terms of outlook, and no conflict with saved LP policy QD27 which protects the amenity of adjacent occupiers and users.

Conclusion

8. Having had regard to all matters raised, I conclude that the appeal should succeed, and planning permission should be granted. In addition to the statutory time condition, a condition specifying the approved plans is necessary for proper planning and for the avoidance of doubt. To safeguard the character and appearance of the area, I have imposed a condition requiring facing materials to match those of the existing building.

Patrick Whelan

INSPECTOR