



Appeal Decision

Site visit made on 20 November 2019

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2019

Appeal Ref: APP/Q1445/D/19/3235276

15 Reynolds Road, Hove BN3 5RJ

- 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 Miss Nicolette Wykeman against the decision of Brighton and Hove City Council.
 - The application Ref BH19/00818, dated 20 March 2019, was refused by notice dated 22 July 2019.
 - The development proposed is erection of rear ground floor single storey extension and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for erection of rear ground floor single storey extension and associated works at 15 Reynolds Road, Hove BN3 5RJ in accordance with the terms of application Ref BH19/00818, dated 20 March 2019, and plans numbered, TQRQM18096142432836, TQRQM18096142535758, and 00116/05A, /06A, /07A, /08A, /09A, /10A, /11A, /12A, and /13A, subject to the following condition:
 1. Within 2 months of the date of this decision, the external surface of the south side wall of the extension hereby permitted shall be finished in white render to match the rear elevation.

Procedural Matters

2. I note that the application has been submitted respectively, and I have dealt with the appeal on this basis.
3. The appellant, in the appeal statement, has advised that the drawings refused by the Council do not accurately reflect the development as built, and as proposed to be retained, in that they do not include the existing side dormer window, and they show minor discrepancies in respect of the extension roof. The appellant has included revised drawings numbered 00116/05A, /06A, /07A, /08A, /09A, /10A, /11A, /12A, and /13A which reflect the development as built. I do not consider that any parties have been prejudiced by the application drawings, since the decision notice and officer report confirm that the application was determined on the basis of the retention of the existing extension, and the neighbour representation is in respect of the development as built. I have considered the appeal on the basis of the extension as built.

4. In determining the planning application, the Council has amended the appellant's description of the proposal on the planning application form, which included additional information regarding the retrospective nature of the proposal and how it differs from the scheme approved under a certificate of lawfulness. The amendment has been accepted by the appellant on the appeal form, and so I have therefore used the revised description in the banner heading above.

Main Issues

5. The main issues are:

- Impact on the character and appearance of the host property and the wider surrounding area; and
- Impact on the living conditions of the occupiers of 13 Reynolds Road, in respect of overbearing impact and sense of enclosure.

Reasons

Background

6. The appeal property is a detached, two and a half storey dwelling house, dating back to around the early 20th Century and located on the east side of Reynolds Road within an established residential area. It has a pitched, tiled roof, with gables facing front and rear, and white rough rendered walls, with an element of red facing brick at ground floor level on the front elevation. A large flat-roofed box dormer takes up most of the north side roof slope and is finished in grey tiles. There is also an extant permission to place solar panels on the southern roof slope. There is a flat-roofed single garage, whose front wall is set back behind the line of the rear wall of the original dwelling.
7. The extension which is the subject of this appeal, has been built to the rear of the dwelling house. It has a predominantly flat roof, with short sloping sides and a low parapet along the rear, and includes roof lights on the flat section and both sides. It was built following the grant of a certificate of lawfulness under Section 192 of the Town and Country Planning Act 1990 (as amended) (the Act) for a proposed rear single storey extension of a very similar design to that which has been built.
8. Both parties are agreed that the main differences between the approved rear extension and the scheme as built, are that the built scheme is attached to the garage instead of maintaining a small gap between the two buildings, and that in respect of the external materials, the walls have a different finish to that of the main dwelling, and the fenestration is charcoal grey instead of white. There is no dispute between the parties that, as a result of the changes to the approved scheme, the extension no longer meets the permitted development criteria of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).

Character and appearance

9. The Council is concerned that the extension has a visually intrusive excessive bulk, form and massing and does not respect the existing features and materials of the host property, resulting in an overdeveloped appearance. Notwithstanding this, the extension accords with the design principles

contained within the Council's Design Guide for Extensions and Alterations Supplementary Planning Document 2013 (Design SPD) in respect of its depth and width. It does not exceed half the depth of the main body of the original building, take up more than half the depth of the original rear garden, or extend beyond the main side walls of the building. A substantial depth of rear garden remains, and the extension does not extend as far back as the rear of the adjacent bungalow at No.13. Accordingly, I find that its depth and width are wholly appropriate within the context of the surrounding urban environment, where rear extensions are a common and expected occurrence.

10. I acknowledge the Council's concerns with respect to the height of the extension in relation to the bottom of the first-floor rear elevation windows of the original dwelling. However, I do not find the height of the parapet element of the extension to be unduly harmful, since the main, flat-roofed, part of the extension is below the first floor window cill height. This, together with the set-in nature of the extension in relation to the side walls of the main house and the sloping sides of the extension roof, mean that the extension appears subsidiary in scale to the original dwelling.
11. I have also had regard to the Council's concerns in respect of how the external materials of the extension relate to those of the main dwelling. Whilst comprising a different texture to that of the main dwelling, the white rendered walls are sympathetic in colour to the white coloured rough finish of the main walls and are in keeping with the prevailing palette of property materials within the vicinity of the appeal site. During my site inspection, I observed that the south side elevation wall of the extension has not been rendered and comprises an exposed concrete block finish. In the interests of visual amenity, and having regard to the outlook from the neighbouring property at No.13, I propose to impose a planning condition to require this wall to be finished in white render similar to that of the rear wall of the extension.
12. The grey slate tiles on the side roof slopes of the extension are compatible with the grey tile hanging on the side dormer, which is a visually prominent feature of the property. The grey colour of the extension fenestration visually connects with the grey colour of the dormer. The modern design of the extension windows and doors is acceptable, having regard to the mix of different fenestration designs on the main building, and the contemporary character of the extension. Furthermore, the extension has no appreciable impact on the visual amenities of the public realm, since it is not visually apparent from the street scene.
13. For the above reasons, I conclude that the appeal scheme causes no harm to the character and appearance of the host property or the wider surrounding area, subject to imposing a condition to ensure the south side wall is finished in white render. As such, the development accords with retained Policy QD14 of the Brighton and Hove Local Plan 2005 (LP) and the Design SPD. These, amongst other aims, require new extensions to be well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area, and use materials sympathetic to the parent building. For similar reasons, the development accords with guidance in Chapter 12 of the National Planning Policy Framework (the Framework) which requires high quality design.

Living conditions

14. The Council's refusal reason refers to an overbearing impact and harmful degree of enclosure to bedroom and kitchen windows in the north side wall of the adjacent bungalow at 13 Reynolds Road. The occupier of No.13 has also raised concern about loss of light to these windows and loss of privacy to the property as a result of the extension. No.13 extends to a greater rear depth than that of the appeal property. The side bedroom window faces the extension, whereas the side kitchen window is positioned beyond the rear wall of the extension and directly faces onto close-boarded boundary fencing. The fencing is around 1.8m high, and whilst being sited alongside a large part of the side boundary of the rear garden, it does not extend as far as opposite the side bedroom window, where the boundary treatment comprises a lower, concrete block wall.
15. The outlook from the side kitchen window is mainly affected by the existing boundary fencing, which does not form part of the appeal scheme. Whilst the appeal development does impact on the outlook from the bedroom window, I find that this impact would be marginal, and not so materially harmful as to warrant refusal of the appeal extension. In making this judgement, I have had regard to the householder permitted development criteria of the GPDO, which allows the extension as built, subject to a change of materials and the retention of a gap between the extension and the garage on the appeal site. This is a material planning consideration that weighs heavily in favour of the development, since, if altered to accord with the permitted development criteria of the GPDO, the changes to the extension would not materially alter how it impacts upon the living conditions of No.13.
16. Furthermore, the GPDO allows for the construction of boundary fencing/walling of up to 2m high between residential properties, regardless of the positioning of any neighbouring windows. The single storey appeal extension is not considered to have a materially more harmful impact on the outlook from No.13 than that which would be experienced by a solid 2m high boundary fence/wall.
17. I have had regard to the neighbour concerns in respect of light and privacy. For the aforementioned reasons, I also find that, notwithstanding the northerly outlook of the side bedroom and kitchen windows of No.13, the extension does not result in a demonstrably harmful loss of light to these windows, having regard to the development that can potentially be carried out under permitted development. Given the high-level position of the side elevation roof lights, and the presence of the aforementioned boundary fencing, the extension does not materially impact on the privacy of the occupants of No.13.
18. For the above reasons, I find that the development does not materially harm the living conditions of the occupiers of No.13 Reynolds Road, having regard to overbearing impact and sense of enclosure. The development therefore accords with LP Policies QD14 and QD27 and the Design SPD, in so far as they aim to ensure that development does not result in a significant loss of amenity to neighbouring properties.

Other Matters

19. In response to the neighbour concerns, structural damage is not a matter for consideration under this appeal and the erection of a fence along the side boundary does not form part of the appeal scheme.

Conditions

20. I have considered the Council's suggested conditions in the light of advice in Paragraph 55 of the Framework and the national Planning Practice Guidance (PPG). Given that the extension has already been built, I do not consider conditions setting a timescale for the commencement of the approved development, and requiring the development to be carried out in accordance with the approved plans, to meet the requirements set out in the Framework. Having regard to the development that has already taken place, and my findings on the first main issue, I do not consider that a condition requiring matching materials to those of the existing building to be applicable. However, condition 1 is imposed to ensure that the south side wall of the extension is finished in white render to ensure that the extension is sympathetic to the main building, having regard to visual amenity and the outlook from 13 Reynolds Road.

Conclusion

21. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

S Leonard

INSPECTOR