
Appeal Decision

Site visit made on 9 March 2020

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 26th March 2020

Appeal Ref: APP/Q1445/D/19/3237870
19 West Drive, Brighton BN2 0GD

- 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 David Lubel against the decision of Brighton & Hove City Council.
 - The application Ref BH2018/03867, dated 17 December 2018, was refused by notice dated 15 July 2019.
 - The development proposed is two storey part single storey rear extension, rear dormer, and obscurely glazed timber sash window to side elevation.
-

Decision

1. The appeal is allowed and planning permission granted for a two storey part single storey rear extension, rear dormer, and obscurely glazed timber sash window to side elevation at 19 West Drive, Brighton BN2 0GD, in accordance with the terms of the application, Ref BH2018/03867, dated 17 December 2018, 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 permitted shall be carried out in accordance with the following approved plans: 1:1250 'Site Plan' and 1:500 'Site Plan' 2018/177 Revision A; 'Proposed details November 2018' 2018/168 Sheet 1 of 2; 'Proposed details November 2018' 2018/168 Sheet 2 of 2.
 - 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.

Procedural Matter

2. As part of the appeal, the appellant has submitted an amended site plan; Drawing Reference Number 2018/177 Revision A. In summary, the amended plan shows a revised red line boundary of the appeal site. I am satisfied that the amendment is of a minor nature and does not alter the development considered at the planning application stage. Consequently, I shall accept the amended plan for the purposes of determining this appeal and do not consider that any interested party would be prejudiced from a public consultation point of view.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host building and surrounding area, with due regard to the location of the site in the Queens Park Conservation Area.

Reasons

4. The appeal property is one of a pair of semi-detached dwellings located on West Drive, close to the junction of Albion Hill, within the Queens Park Conservation Area (CA). As such I have a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
5. The area is characterised by mainly detached and semi-detached properties of varying architectural styles. The host property and its immediate neighbour are attractive substantial dwellings set back from the road frontage behind front gardens.
6. To the rear of the appeal site, located just outside the CA, is a substantial former chapel building. As a result of the topography in the area the land rises to the rear of the appeal site. Consequently, in combination with its scale, the former chapel building is visible in views from West Drive between the side elevations of the host building and its neighbour, No 18 West Drive, a substantial three storey detached property. Furthermore, as a result of the topography and the layout of the existing development the rear elevations of the host property and its immediate neighbours, and the side elevation of No 18, are visible in views from Albion Hill in the vicinity of the western boundary of the CA.
7. The full Conservation Area Character Statement for the CA has not been submitted to me. However, from my site visit and the evidence before me, including an extract from the Conservation Area Character Statement entitled 'Key elements of character', I consider that the significance of the CA derives, in part, from its emergence as a result of a speculative development; a residential park surrounded by detached villas which were intended to be for the exclusive private use of the occupants of the new villas.
8. Furthermore, the significance derives from the prevailing building types which are detached and semi-detached residential dwellings within the confinement of the park, and the character of the area which is late Victorian and Edwardian villas, many of which have surviving architectural detailing which add visual and architectural richness to individual buildings and the streetscene. The appeal property, by virtue of it having maintained much of its traditional character and features, makes a positive contribution to the character and appearance of the CA and thus the significance of the heritage asset.
9. The proposal is for the erection (following removal of the existing conservatory to the rear of the property) of a two storey part single storey rear extension, rear dormer, and obscurely glazed timber sash window to the side elevation.
10. Although the two storey rear extension would form a rear gable larger than the existing front gable, the roof would be set well below the ridge height of the existing building. The existing dwelling is approximately 7.4 metres wide and 9.2 metres deep. The width of the proposed extension at first floor level would

be around 4.8 metres and it would extend approximately 1.7 metres beyond the main rear elevation of the host building. The roof height would be lower than the existing property. Thus, as a result of the scale of the proposal, it would represent a subordinate addition that would not unduly dominate the host property.

11. Overall, the proposed rear gable, roof form and architectural detailing, to include timber sash windows, would respect the design characteristics of the existing building. In doing so, the proposed development would not erode the traditional character of the original building.
12. From West Drive the side (south) elevation of the host property is visible. Therefore, the side elevation and part of the roof form of the proposed extension would also be visible. However, given that only a limited amount of the built form proposed would be visible from West Drive, in the context of the elevated position and scale of the former chapel building to the rear of the appeal site, the development would not have a harmful impact on the streetscene in views from within the CA. Moreover, taking into account the limited visibility of the proposed development from West Drive, the fact that the proposed rear gable would be larger than the existing front gable would not be readily apparent.
13. The side (north) elevation of No 18 extends approximately 12.0 metres beyond the main rear elevation of the appeal building and has a full height side projecting gable. It is readily visible in views from Albion Hill within the CA. The proposed two storey extension with gable end would also be visible from Albion Hill. However, taking into account that the proposal would not be an overly prominent feature and would be seen within the context of the dominant built form of No 18 in the background, the development would not have a harmful impact on the streetscene in views looking into the CA from Albion Hill.
14. The proposed rear dormer would be modest in size and would replace one of the two existing roof lights. Considering its size and position on the roof slope I find no harm in respect of this element of the proposal. The proposed timber sash window in the side elevation of the host property would be obscurely glazed, thus I find no harm with this element of the proposed development. I note the Council raised no objection to these elements of the proposal either.
15. Taking into account its position to the rear of the host building, and its scale and design characteristics, the proposed development would not harm the key qualities or elements of the CA, which includes the visual and architectural richness of the detached and semi-detached residential dwellings that surround the park.
16. For the reasons outlined above, I conclude that the proposed development would not have a harmful effect on the character and appearance of the host building or the surrounding area. Furthermore, the proposal would preserve the character and appearance of the CA and not harm its significance.
17. Consequently, the proposed development would accord with Policy CP15 of the Brighton and Hove City Plan Part One 2106 and Policies QD14 and HE6 of the Brighton and Hove Local Plan 2005. These policies, amongst other things, seek to preserve the city's designated heritage assets and ensure extensions and alterations to existing buildings are well designed, sited and detailed in relation

to the property to be extended, adjoining properties and to the surrounding area.

Other Matters

18. Concern has been raised by a third party that the proposed development would result in a loss of light to their property. The two storey element of the proposal would be set back from the common boundary with No 20 West Drive by around 2.5 metres and would extend approximately 1.7 metres beyond the main rear elevation of the host building. Consequently, taking into account its position and scale, the proposed development would not result in any material loss of light reaching the rear garden, the windows in the rear elevation, or the velux window in the roof slope of the single storey rear extension, of No 20. Consequently, the proposal would not result in any material harm to the living conditions of the occupiers of No 20 in respect of light. Furthermore, I note that the Council has raised no objection in this regard either.
19. None of the other matters raised alter or outweigh my conclusion on the main issue.

Conditions

20. Planning permission is granted subject to the standard three-year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect. In the interests of the character and appearance of the area, it is necessary to impose a materials condition.

Conclusion

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

Andrew Bremford

INSPECTOR