
Appeal Decision

Site visit made on 9 June 2020

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

an Inspector appointed by the Secretary of State

Decision date: 15th July 2020

Appeal Ref: APP/Q1445/D/19/3243003
64 Chester Terrace, Brighton, BN1 6GD

- 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 M Shafer against the decision of Brighton & Hove City Council.
 - The application Ref: BH2019/02406 dated 12 August 2019, was refused by notice dated 25 September 2019.
 - The development proposed is erection of garden room to rear elevation replacing existing garden room.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of single storey rear extension to replace existing conservatory at 64 Chester Terrace, Brighton, BN1 6GD in accordance with the terms of the application Ref: BH2019/02406 dated 12 August 2019, 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: Site Location Plan, Block/Site Plan (Existing Garden Room), Block/Site Plan (Proposed Garden Room), BN1 EX1 (Existing Elevations and Plan View) and BN1 PR1 (Proposed Elevations and Plan View).
 - 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. The description of the proposed development in the banner heading above has been taken from the application form. However, the Council's decision notice and the appeal form describe it as: 'erection of single-storey rear extension to replace existing conservatory'. I have used this more precise description in my decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and area, with particular regard to the location of the appeal property within the Preston Park Conservation Area.

Reasons

4. The appeal property lies within the Preston Park Conservation Area (PPCA), a large conservation area of predominantly residential properties dating mainly from the mid- to the late 19th century. In accordance with the duty imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 193 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
5. The appeal property forms the end of a terrace of primarily two storey dwellings, some with rooms in the roof space, to the rear of which are 2-storey 'outriggers'. These outriggers are a distinctive feature of the terrace, although many properties have single-storey extensions to the side or rear such that the outriggers no longer have a uniform appearance at ground floor level along the terrace. The appeal property has a single-storey extension in the former gap between the outrigger and the property's side boundary and an existing 'garden room' to the rear of the outrigger. It is not symmetrical with its immediate neighbour, which I observed during my site visit has no extension to the rear of its outrigger.
6. The proposal would replace the existing garden room with a new garden room that would extend across the full width of the outrigger and side extension. The increase in footprint over the existing extension and garden room would be limited to just the currently open area between the garden room and the side boundary of the property, but the development would effectively create a 'wraparound' extension to the property.
7. The Council's Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12) sets out advice on rear extensions to properties with outriggers. It states that infill extensions should not normally extend beyond the rear wall of the outrigger or wrap around to the rear elevation in order to preserve the original plan of the building and avoid excessive amenity harm to adjacent residents. As the proposed extension would not harmfully affect the living conditions of the occupiers of neighbouring dwellings, it is the original plan of the building that is the consideration in this appeal in respect of SPD12.
8. Although not part of the original dwelling, the side extension and rear garden room exist and have compromised the original floor plan of the outrigger. Neither the modest increase in footprint nor the extended form of the proposed extension would significantly further compromise the original floor plan. The proposed extension would also be single-storey so that the original form of the outrigger would still be readily discernible at first-floor level. In addition, although the side walls of the proposed garden room would be solid, the rear-facing elevation and roof would be glazed. This would retain a clear distinction between the original outrigger and the extension and allow the original plan form of the outrigger at ground floor level to still be appreciated from within and from the rear of the property.
9. Given the existing extensions to the appeal property, the increase in volume from the proposed extension would be modest and not represent an overextension of the property. Neither would the proposed extension significantly disrupt the character of the terrace as a whole given the number

of existing extensions elsewhere along the row. Furthermore, the proposed extension would be hidden from public view and so have no effect on the street scene. Views of the extension from the rear elevations of properties on Lucerne Road and Cleveland Road would be limited by intervening vegetation and outbuildings.

10. The Council's Officer's Report refers to two other appeal decisions relating to wraparound extensions¹, both of which were dismissed. However, although I do not have the full details of the proposals before the Inspector that determined both appeals, the Inspector refers to the outriggers of both the appeal properties remaining in their original condition. This is not the case with the proposal before me. Accordingly, it is not unreasonable for me to reach a different conclusion in the circumstances of this case and I have, in any case, reached my own conclusion on the basis of the evidence before me.
11. I therefore conclude that the proposed development would not harmfully affect the character or appearance of the host property or of the PPCA. It would therefore preserve the character and appearance of the PPCA. Accordingly, I find no conflict in this respect with Policy QD14 of the Brighton & Hove Local Plan (2005) (BHLP) which sets out that permission will only be granted for extensions to existing buildings if, amongst other things, they are well-designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.
12. The proposed development would also conform in this respect with Policy HE6 of the BHLP which sets out that proposals within a conservation area should preserve or enhance the character or appearance of the area with regard to a number of factors. It would also accord with Policy CP15 of the Brighton & Hove City Plan Part One (2016) which seeks to conserve and enhance the city's historic environment and with paragraph 193 of the Framework. Although the proposal would not fully accord with SPD12, this lack of full compliance would be very limited in the circumstances of this proposal. Furthermore, SPD12 is guidance rather than policy and I cannot afford it the same weight as the development plan.

Conditions

13. In addition to the standard commencement condition, the Council has suggested conditions requiring the development to be undertaken in accordance with the approved plans and the materials for the external surfaces to match those of the existing building. I am satisfied that these are necessary for the avoidance of doubt and in the interests of the character and appearance of the area.

Conclusion

14. For the reasons given above and having regard to my duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the appeal is allowed, and planning permission granted subject to conditions.

Martin Small

INSPECTOR

¹ APP/Q1445/D/18/3211345 and APP/Q1445/D/18/3211306