



Appeal Decision

Site Visit made on 20 October 2021

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal Ref: APP/Q1445/W/21/3272018

26A and 26B Sussex Terrace, Brighton BN2 9QJ

- 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 Messrs Mark and Oliver Winterflood and Maxwell-Jones against the decision of Brighton & Hove City Council.
 - The application Ref BH2021/00009, dated 4 January 2021, was refused by notice dated 26 February 2021.
 - The development proposed is described as 'Proposed 2 storey extension to the rear of 26a and 26b Sussex Terrace, together with internal and external alterations'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) published on 20 July 2021 sets out the Government's planning policies for England. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties were given the opportunity to comment on this matter, and I have had regard to the updated Framework in determining this appeal.
3. The site address as detailed on the application form has been amended in subsequent documents. I have adopted the address included on the Council's Decision Notice, as the appeal proposal would affect both nos 26A and 26B Sussex Terrace.

Main Issues

4. The main issues are the effect of the proposal on (1) the living conditions of the neighbouring occupiers of no 25 Sussex Terrace, with particular regard to outlook and (2) the character and appearance of the host property and the wider terrace.

Reasons

Living conditions

5. The appeal building comprises a lower ground floor flat and a maisonette, which form part of a wider terrace of residential properties. The proposed two-storey rear extension would extend across the full width of the appeal site and would sit immediately adjacent to the boundary shared with no 25 Sussex Terrace (no 25). There are a number of windows which appear to serve

habitable rooms on the rear elevation of no 25, as well as openings looking onto the appeal site within the side elevation of the existing extension.

6. The appeal scheme is supported by a Daylight Report¹, which has been carried out by Delta Green Environmental Design. Having regard to the available evidence, I am satisfied that there would be no significant loss of light to no 25. Notwithstanding this, the extension would project significantly beyond the original rear wall of this neighbouring property, and its occupiers would be presented with a largely blank elevation, which would stand out as an overtly dominant and visually intrusive built form. This would be exacerbated by the sense of enclosure and tunnelling effect introduced by the proposed addition, which would be experienced from within no 25, despite the rear projection being set at a slight angle.
7. By virtue of its overall height and depth, the construction of the proposed extension in such close proximity to the boundary with no 25 would appear oppressive and overbearing to these neighbouring residents. Whilst I understand that no objection was raised by the current residents of no 25, this does not alter my findings in respect of the harm which would be caused to the living conditions of existing and future occupiers of this property.
8. For the foregoing reasons, the appeal scheme would have a detrimental effect upon the living conditions of the neighbouring occupiers of no 25, having particular regard to outlook. It would therefore conflict with Policies QD14 and QD27 of the Brighton & Hove Local Plan 2005² (LP) which, amongst other things, seek to ensure that development proposals do not result in significant loss of outlook and amenity to neighbouring properties.

Character and appearance

9. Many of the properties which form part of the terrace have been previously subject to alterations and extensions, which appear to be of varying sizes and designs. These additions are however not widely visible within the public realm, especially by reason of the screening provided by the retaining wall sited to the rear boundaries of the properties and significant changes in level across the area.
10. The effect of the proposed extension on the surrounding area and the extent to which it would be visible within the street scene would be no different. Whilst it would extend across the full width of the property, the new addition would retain a degree of subservience compared with the overall scale of the host property, and would not consequently dominate the original building. Furthermore, the appeal site is large enough to accommodate an extension of this scale, which would therefore ensure that the property does not appear overdeveloped.
11. The design approach of the proposal is assertively contemporary, particularly in respect of the extent and form of the glazing. Despite the introduction of modern features, the use of materials such as smooth render and the pattern of fenestration would tie in the two-storey addition to the existing building. The effect of the development on the character and appearance of the host property and wider terrace is therefore considered acceptable, and there would be no conflict with LP Policy QD14 in that particular regard, in that it requires

¹ Revision 1, dated 17th December 2020.

² Retained policies March 2016.

proposed developments to be well designed, sited and detailed in relation to the property to be extended and its surroundings.

Conclusion

12. Whilst the appearance of the host property would not be adversely affected by the proposal, this would not outweigh the harm which would be caused to the living conditions of neighbouring residents. There are no material considerations, which indicate that the appeal should be determined other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR