



Appeal Decision

Site visit made on 3 September 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2024

Appeal Ref: APP/Q1445/D/24/3343516

11 Wilson Avenue, Brighton BN2 5PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Friend against the decision of Brighton & Hove City Council.
 - The application Ref. is BH2023/02688.
 - The development proposed is the removal of the existing rear garden garage/store and associated hardstanding, followed with the construction of a new single-storey rear and side garage extension. Replacement windows to main house and removal of chimney stacks. Increased parking area to the front drive.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of the existing rear garden garage/store and associated hardstanding; construction of a new single-storey rear and side garage extension; replacement windows to main house and removal of chimney stacks; increased parking area to the front drive, at 11 Wilson Avenue, Brighton BN2 5PA, in accordance with the terms of the application, Ref. BH2023/02688, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS Based Location & Block Plans and Drawing No. Series 092: Plan Nos. 102; 103; 104; 105; 111; 112; 113; 114; 115; 116;
 - 3) Other than for the flat roof of the extension, the materials to be used in the external surfaces of development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, with particular reference to the streetscene of Marlow Road.

Reasons

3. The appeal dwelling is detached with a frontage to the west side of Wilson Avenue. With its position at the junction with Marlow Road, the two-storey house has a flank elevation and a rearward double garage both set back to

align with No. 34 and the other properties in the road. However, projecting beyond the building line of Marlow Road the plot has a side boundary comprising in turn, a brick wall; a lower brick wall surmounted by a close boarded fence, and an open concrete hardstanding in front of the existing garage.

4. The appeal scheme includes a wraparound single storey side/rear extension with its side element extending beyond the Marlow Road building line to within a short distance from the retained wall/fence sufficient for the planting of a new hedge.
5. Most of the side extension would accommodate a single garage with access to Wilson Road, with the remainder forming a utility room and a pantry, both with internal access to a rear extension with extended living space to a dining room and kitchen using the floor area of the existing building.
6. The Council's objection is the breaching of the Marlow Road building line by the side extension and the northern end of the rear extension with which it would be integrated. In this context, I note that SPD12: 'Design Guide for Extensions and Alterations' states that 'corner plot extensions should respect the building line to both streets'.
7. However, whilst I have had regard to the SPD and acknowledge the reasons for the Council's decision, it should be recognised that there is already a change of character and appearance to the south side of Marlow Road. This is the difference between the small front gardens of the terraced houses and the side boundary of the much larger plot of No. 11 Wilson Avenue. Both this boundary and the boundary of No. 13 on the other side of Marlow Road have close boarded fencing along the back of the footpath. In the case of the appeal site, this fencing together with the low brick wall on which it is constructed provide an existing enclosure height of well over 2m and is noticeably forward of the building line on the south side of Marlow Road.
8. Because of the lower land level of No. 11 compared to the highway, the proposed single storey flat roofed building would only be slightly higher than the fence line, as is illustrated on drawing no. 092-113. And on my estimate, its length would be only about 45% of the site boundary between the corner of Wilson Avenue and the side boundary of No. 34 Marlow Road.
9. The appeal scheme would also have the considerable advantage of removing the existing dilapidated garage and its unsightly concrete forecourt from the Marlow Road street scene. Furthermore, given a correct choice of planting, the proposed hedge behind the existing fence and its extension up to the front of 34 Marlow Road should grow to a height above the fence line and thereby soften the somewhat austere impact of the boundary treatment. In my view a higher standard and perhaps more contemporary boundary on the broad lines illustrated on the appeal statement cover would be warranted to complement the extension. However, I consider that it would be unfair to dismiss the appeal on that basis alone.
10. Whilst I consider that the appeal deserves to succeed on its individual merits, in coming to my decision I have noted the appellant's references to other examples of extensions breaching building lines in the local area. And overall, I find on balance that the proposed development would not have any adverse

effect on the character and appearance of the locality and in particular the Marlow Road streetscene.

11. Accordingly, there would be no harmful conflict with Policy CP12 of the City Plan Part One 2016; Policies DM18 and DM21 of the City Plan Part Two 2022 and Section 12: 'Achieving Well-Designed and Beautiful Places' of Government policy in the National Planning Policy Framework December 2023.
12. I shall therefore allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. A matching external materials condition will ensure a harmonious form of development.

Martin Andrews

INSPECTOR