



Appeal Decision

Site visit made on 21 November 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 December 2024

Appeal Ref: APP/Q1445/D/24/3348811

**West House, 34B Preston Park Avenue, Brighton, Brighton & Hove,
BN1 6HG**

- 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 Rory Aitkenhead against the decision of Brighton & Hove City Council.
 - The application Ref is BH2024/00077.
 - The development proposed is the erection of first-floor extension stepped back from building boundary and the installation of PV solar panels to roof.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of first-floor extension stepped back from building boundary and the installation of PV solar panels to roof at West House, 34B Preston Park Avenue, Brighton, Brighton & Hove, BN1 6HG in accordance with the terms of the application, Ref BH2024/00077, 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 approved plans: Drg Nos 001 Rev B, 005 Rev B, 006 Rev B, 007 Rev B, 008 Rev B, 009 Rev B, 015 Rev C, 016 Rev C, 017 Rev C, 018 Rev C and 019 Rev C.
 - 3) The materials to be used in the construction of the external surface of the development hereby permitted shall match those used in the existing building.

Application for Costs

2. An application for costs was made by Mr Rory Aitkenhead against Brighton & Hove City Council. This is the subject of a separate decision.

Main Issues

3. The main issues are the effects of the proposal upon the character and appearance of the area, including the Preston Park Conservation Area, and upon the living conditions of neighbouring occupiers at 34 Preston Park Avenue, with particular regard to visual impact.

Reasons

Character and Appearance

4. The appeal property is a recently constructed, two-storey dwelling of modern flat-roof design, set immediately behind, and located in part of the former rear garden to 34 Preston Park Avenue, a large, detached Victorian villa now occupied as flats. The site lies within the Preston Park Conservation Area (CA), a predominantly residential and tranquil area of mostly large, 19th century properties. Those along Preston Park Avenue face Preston Park, a grade II registered park and garden that runs along the road's west side. No 34 is a typical example of the area's historical origins and makes a positive contribution to the character and appearance of the CA. The appeal property is tucked behind the parent building, largely out of sight from the public domain and merged into the rising land levels within which it is set with an overall effect upon the area's wider character and appearance that I judge to be neutral.
5. The appeal property has an existing stepped profile. The front face nearest to the two-storey rear elevation of No 34 is single-storey, with the forward-most part of the existing first-floor recessed by around 6m and stepped in from the building's sides. The proposed first-floor extension would project the existing first-floor form of the building at this point forward, towards No 34, by around 2.7m.
6. The extension would be modest in size and would blend seamlessly with the existing in terms of both form and materials. Its blank façade facing back to No 34 would merely replicate the appearance of the existing. Although the building would be enlarged at first-floor level, it would remain appropriately scaled and proportionate; no taller than present whilst maintaining its low-rise profile against the rising land levels that continue to the rear.
7. The separation between No 34 and the first-floor front face of No 34B would reduce. However, I am satisfied that ample distance between them would be retained. I am not persuaded that the space between the existing buildings would be eroded to a degree that would be harmful or which would make them appear cramped in relation to each other. The solar panels would overlay the residual area of flat roof above the single-storey element and would be inconspicuous.
8. Overall, the resulting building would continue to be seen as a contemporary and appropriate addition that would be comfortable within its immediate setting and within the wider historical context of the CA. I am satisfied that there would be no harm to the character or appearance of the area. As such, the CA's significance as a heritage asset would be unaffected.

Living Conditions

9. There are existing windows that serve habitable rooms to the rear of flats within No 34 and which directly face the appeal property. The profile of the appeal property would not change as a result of the proposal when viewed in the outlook from any window opening at No 34.
10. The two-storey scale of No 34B would undeniably encroach towards the rear elevation of No 34, but by only a fairly modest amount. It would not sit unreasonably close to any of the application site's boundaries. The appellant

has demonstrated that there would be no impact on sunlight to the rear of No 34. There is no substantive evidence to support some concern expressed by third parties that levels of daylight would be unacceptably diminished within adjacent properties. I note the Council do not object to the proposal with regard to its effect upon any existing levels of sunlight or daylight. There are no windows proposed to the west elevation of the extension and therefore no potential for any harm to existing levels of privacy within No 34.

11. There is a difference between the Council and the appellant over the separation distance that would remain between the facing elevations of both buildings at first-floor level. However, even taking the Council's smaller figure of 10.8m, the extension would not be seen at unreasonably close quarters. Moreover, the building's profile would remain to be viewed against the backdrop of the already stepped and raised form of the existing building as it follows the topography of the land. As such, I am satisfied that any change to the outlook from existing windows at 34 Preston Park Avenue would not be significant or harmful to the living conditions of any neighbouring occupiers.

Other Matters

12. There is a window proposed to the south, side elevation of the extension. I share the Council's view that this would not increase levels of any potential overlooking towards neighbouring land beyond the existing arrangement.
13. The Council is satisfied that the proposal would not impact highway capacity or road safety. I have no reason to disagree. There is no evidence that any wildlife would be adversely affected. Given the modest and domestic scale of the proposal, I am not persuaded that there would be any significant disturbance during its construction phase.

Conditions

14. In the event of the appeal succeeding, the Council has suggested three conditions. The appeal questionnaire confirms the Council's view that no others would be regarded as necessary. In addition to the standard time limit permission, a condition specifying the relevant plans is necessary as this provides certainty. In order to safeguard the character and appearance of the area a condition is also required to ensure that the development is finished externally in materials to match the existing.

Conclusions

15. I have found that there would be no harm to the character or appearance of the area. It follows that the CA's character and appearance would be preserved. I have also found that there would be no harm to the living conditions of any neighbouring occupiers. Consequently there would be no conflict with Policies DM18, DM20 or DM21 of the Brighton and Hove City Plan Part Two adopted 2022 as far as between them they seek to ensure that development, including specifically extensions and alterations to existing buildings, achieves an appropriately high standard of design that responds positively to local context and which protects the amenity of adjacent and nearby residents. Despite being referenced within the reason for refusal, I have not been directed to any conflict with the Council's *Supplementary Planning Document 17 – Urban Design Framework*.

16. For the reasons given, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR