

Appeal Decision

Site visit made on 6 December 2016

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14th December 2016

Appeal Ref: APP/Q1445/W/16/3152320

48 London Road, Brighton, BN1 4JD

- 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 Starlow Management Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/03852, dated 10 November 2015, was refused by notice dated 13 April 2016.
 - The development proposed is described as '*creation of one bedroom flat*'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the locality, and;
 - The effect of the proposal on the living conditions of neighbouring occupiers at No 49 London Road, with specific regard to light and outlook.

Reasons

Character and appearance

3. The appeal building is a three storey property facing London Road. The ground floor is occupied as a shop. The first and second floors are used for residential purposes separate from the shop; with their own access adjacent to the shop front. The street scene is characterised by a mixture of retail and commercial uses on the ground floors, with residential uses above. To the rear of No 48, there is a single storey extension providing space for storage for the ground floor shop. I was able to see from the ground floor courtyard and metal stairs providing access onto the flat roof of the extension, both the rear elevation of the appeal building, and also those nearby.
 4. In this respect, there is a mixture of rear elevation styles and forms, which are most likely a result of the varying uses of the buildings, and the fact that they were not built in a homogenous form. In particular, there is a two storey rear extension at No 49 London Road (to the north of No 48), which extends a short distance beyond the rear of the appeal building. From the viewpoints available to me, there were no windows in the elevation or the rear of this projecting two storey element at No 49.
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5. The appeal scheme seeks to convert the roof space at No 48 into a one bedroom flat. This would involve alterations such as the insertion of rooflights in the front and rear roof slopes and also the erection of a rear extension to house an internal staircase to provide access from the first floor to the third floor (the existing roof space), as shown on the submitted drawings. Such changes would not be readily visible from the public realm, with views principally restricted to windows of buildings facing Providence Place to the rear of No 48.
6. However, the proposal would see the introduction of a mono-pitch roof above the eaves of the existing building and this would increase the prominence of the rear extension when viewed from nearby properties. Whilst there are other rear extensions within the local area, as shown on the document with photos showing views from the west over Providence Place, and also on drawings D.002 dated June 2016, in the main these 'closet wings' are typically subservient to the main roof, with the ridge of the roof being in line with the eaves. To the contrary, the appeal scheme would see the introduction of a mono-pitch roof which would be at odds with the prevailing pattern of development in the locality. Visually, this would be further exacerbated by the raising of the main roof ridge height which adds to the overall scale and bulk of the proposed changes to the roof and the rear extension.
7. When these proposed alterations are considered cumulatively, I find that they would result in material harm to the character and appearance of the locality. Accordingly, I conclude that the proposal would conflict with Policy QD14 of the *Brighton and Hove Local Plan - Retained Policies* March 2016, (BHLP) as supported by the *Design guide for extensions and alterations, Supplementary Planning Document* June 2013 (SPD) insofar as they apply to character and appearance matters, which, amongst other aims seek to ensure that schemes are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.

Living conditions

8. In terms of living conditions, the proposed extension would be about 1.9 metres in depth¹. Whilst it would increase the overall bulk of the building, and have a significantly greater height than the existing building, I have not been provided with any detailed assessment of which windows or areas might be affected by the proposal or indeed how they would be affected in terms of loss of light or outlook.
9. During my site inspection, I saw that there were no windows on the side or rear of the two storey projection at No 49. What is more, any light or outlook from the existing windows on the rear main wall of No 49 is likely to be screened by No 48, which is already a further storey taller in overall height. In the absence of any detailed study of the impact on the occupiers of No 49, there is no cogent evidence that demonstrates that the propose development would result in a materially harmful loss of light or outlook for the occupiers of No 49.
10. I therefore conclude that the proposed development would not result in a materially harmful loss of light or outlook for the occupiers of No 49. Accordingly, the proposal would accord with Policy QD14 and QD27, as

¹ Paragraph 3.2, Appellant's Grounds of Appeal, 7 June 2016

supported by the SPD, insofar as they apply to living conditions, which amongst other aims seek to ensure that proposals do not cause material nuisance and loss of amenity to existing or adjacent users, residents, or occupiers.

Conclusion

11. Although I have found in the appellant's favour on the second main issue, this does not overcome the unacceptable harm arising from the first main issue. For the reasons given above, and taking all matters raised into account, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR

