



# Appeal Decision

Site visit made on 2 April 2009

by **C J Leigh BSc(Hons) MPhil(Dist) MRTPI**

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

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**Decision date:  
13 May 2009**

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## Appeal Ref: APP/Q1445/A/08/2089852

*31 Maldon Road, Brighton, East Sussex, BN1 5BD*

- 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 & Mrs J Hillman against the decision of Brighton & Hove City Council.
- The application Ref. BH2008/00483 was dated 4 February 2008 and was refused by notice dated 17 June 2008.
- The development proposed is an extension to provide two flats at second floor level to replace flat roof.

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## Decision

1. I dismiss the appeal.

## Reasons

2. The appeal property is a relatively modern block of flats that is of limited architectural merit, being flat-roofed and very different in character and appearance from the wider residential area. Although there are also modern properties immediately to the south, the character of Maldon Road predominantly arises from the Victorian terraced properties. The flat roof to No. 31 creates a rather truncated appearance to the building, which is emphasised by the building being notably lower in height than the adjoining Victorian terrace, with its steeply pitched roofs.
3. The proposed development would see an additional storey on the block of flats, designed with sloping mansard roofs at the front and rear. I agree with the appellants that this would enhance the design of the building by providing a better resolved appearance to its elevations; the sloping, slate mansard roofs with projecting dormers would create a more balanced and architecturally complete building than the existing flat roof to the two storeys. The slope of the new roof would also relate better to the pitched roofs on either side of No. 31, and the increased height would make the building a more appropriate visual link between the still higher Victorian terrace and the lower bungalow; I think there would not be any visual dominance over that bungalow.
4. I therefore consider no harm would be caused to the character and appearance of the surrounding area from the proposed development, and so it would comply with Policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan 2005 insofar as they seek to ensure a high standard of design in all new development that enhances the quality of the surrounding area.
5. I do, though, share the Council's concerns regarding the effect of the additional storey on the adjoining property to the north, No. 39. I viewed the appeal site

from within that house and from the garden, and my site visit was undertaken with the benefit of a sunny day. In my judgement, the height and depth of the proposed extension would lead to a material loss of light to both the garden and to the internal rooms of No. 39; in particular to the ground floor rooms, where the window on the side elevation serves a kitchen/diner, and where there I think there would be an appreciable loss of natural light. I further consider that the increased building mass would be readily apparent from the house and garden of No. 39, where it would impose to an unacceptable degree upon the outlook from that property.

6. I saw at my site visit that No. 23 to the south is set far back into its plot and consequently has a small rear garden area, entirely behind the rear elevation of No. 31. Windows in that property are also orientated away from No. 31. Due to these facts, and the location of No. 23 to the south of No. 31, I consider the proposed development would not lead to an appreciable change to the outlook from No. 23 or to the levels of light received. However, despite this finding, it is my overall conclusion that the harm to the living conditions of No. 39 would lead to a conflict with Policies QD14 and QD27 of the Local Plan, which seek to protect such a matter.
7. No parking is proposed for the additional dwellings. Concerns have been expressed regarding the consequent effect upon the demand for on-street parking in the area, and the Council have requested a contribution towards sustainable transport infrastructure in the area. I saw at my site visit that on-street car parking is prevalent, and submissions by local residents confirm this. The supporting text to Policy TR1 of the Local Plan states that all new development should be designed to promote the use of sustainable modes of transport. On the basis of the information before me, I think in this instance that the absence of any additional car parking with no associated provision for other measures to improve sustainable transport infrastructure is likely to lead to an appreciable increase in demand for on-street car parking, which would exacerbate existing parking pressures in the area and unacceptably inconvenience existing residents. Thus, the proposed development would conflict with Policy TR1.
8. I note the requirements of Policy SU2 of the Local Plan that a high standard of efficiency in the use of energy will be required in new developments, and that no information has been submitted to demonstrate how this would be achieved in the proposed development. Thus, the proposed development conflicts with this Policy.
9. Although I have found in favour of the proposed development in a number of respects, it is my overall conclusion that the conflict with the policies of the Local Plan that I have identified justify the withholding of planning permission. Therefore, for the reasons given and having regard to all other matters raised, I have dismissed the appeal.

*C J Leigh*  
INSPECTOR