



# Appeal Decision

Site visit made on 28 September 2010

by **John Millard DipArch RIBA FCI Arb**

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

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**Decision date:**  
**25 October 2010**

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**Appeal Ref: APP/Q1445/A/10/2128694**  
**44 Station Road, Portslade, Brighton BN41 1AG**

- 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 Marcus Halliday against the decision of Brighton & Hove City Council.
- The application (Ref: BH2009/02588) dated 19 October 2009 was refused by notice dated 12 January 2010.
- The development proposed is the construction of an additional (second) floor, external alterations and part change of use of surplus storage area ancillary to shop all to form 3 new flats and 1 new maisonette.

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## Decision

1. I dismiss the appeal.

## Main Issues

2. The main issues in this appeal are the effect of the proposal on, firstly, the character and appearance of the property and the surrounding area and, secondly, the living conditions of the occupiers of residential accommodation on the first and second floors of No 43 Station Road with particular reference to daylight and sense of enclosure.

## Reasons

3. The appeal property is an early/mid 20<sup>th</sup> century two storey building with a retail shop on the ground floor with mostly residential accommodation above. It is situated at the junction of Station Road and St Aubyns Road with a short frontage onto the former and a much longer one onto the latter. Station Road is essentially commercial in character, being part of a designated District Shopping Centre, whilst St Aubyns Road comprises mostly traditional late 19<sup>th</sup> or early 20<sup>th</sup> century two storey terraced housing, the obvious exception being No 1 which is a three storey contemporary flat roofed detached dwelling house with a façade that steps back at each floor level.
4. The first floor of the subject property presently contains two flats, together with a somewhat isolated and apparently unused ancillary storage area for the shop. The proposal is to add a second residential floor and to reconfigure the interior, incorporating the redundant shop storage area, to create a total of six units, five with 1 bedroom and one with 2 bedrooms. The flats would be served by a common staircase, accessed from St Aubyns Road, whilst the ground floor retail accommodation would remain largely unaltered.

### *Character and Appearance*

5. The principal built form within the street block containing the appeal property is of traditional two storey buildings with pitched roofs incorporating gabled dormers. Apart from the appeal property, the two exceptions are No 42, which has a decorative flat roofed dormer style element serving an attic storey, and No 43 with a simple front to back roof pitch incorporating a small more or less centrally positioned flat roofed dormer. Read together, Nos 41, 42, 43 and 44 have the appearance of a gradual stepping town towards the St Aubyns Road junction, with the flat roofed No 44, despite its relatively high eaves, being overall the lowest.
6. Because of this configuration, and because of the set-back from the street frontages of the modestly scaled United Reformed Church on the opposite corner of St Aubyns Road, a key characteristic of this junction is its relative openness. This is in marked contrast to a number of other junctions along Station and Boundary Roads and is a feature that makes its own positive and distinctive contribution to the streetscene.
7. Whilst there can be no disputing that the area displays a rich variety of architectural styles and building types, including a number having three storeys and flat roofs, not all of these can be considered to contribute positively to the character and appearance of the area. Indeed, the appellant has drawn my attention to an appeal decision relating to No 9 Station Road (Ref: Q1445/A/08/2073236) in which the Inspector allowed an extension, in part at least, precisely because, as it stood, the subject building detracted from area. I saw at the site visit that No 9 was by no means unique in that regard.
8. The appellant points out that corner buildings often provide 'stop ends' to a terrace and, as such, are likely to be taller than adjacent properties, often incorporating features such as a turrets or spires. This is undoubtedly true but such a treatment is certainly not always appropriate and each situation must be considered on its individual merits. In the present case, preserving the open character of the junction is important to maintaining the balance and integrity of the streetscape, and the principle of a taller stop-end building would not accord with this objective.
9. Policies QD1, QD2 and QD14 of the adopted Brighton & Hove Local Plan 2005 (LP) seek to ensure that new developments, including extensions to existing buildings, are designed to a high standard, emphasising and enhancing the positive characteristics of the local neighbourhood and, in so doing, contributing positively to the surrounding area. The proposal in this case, because of its increased height, its corner turret and its long and largely featureless St Aubyns Road elevation, would appear as a bulky and intrusive development, dominating the highway junction and causing material harm to the open character of the immediate area. It would not accord with the above LP Policies, to the detriment of the streetscene and the established character and appearance of the area.

### *Neighbours' Living Conditions*

10. The first and attic floors of the adjacent No 43 Station Road are in residential use and have rear (west) facing windows that appear to serve habitable rooms. Because the appeal property extends a long way further back than these

windows, the Council is concerned that adding a second storey would materially reduce the amount of daylight reaching the windows concerned and increase the occupants' sense of enclosure. In an attempt to minimise any harm to the neighbours' outlook, the appellants propose to cut back part of the new floor so that it would not appear unduly dominant when seen from the first and second floor windows in No 43. Because of this, I am satisfied that the new storey would not so greatly increase the neighbours' sense of enclosure as to justify withholding planning permission.

11. As regards daylighting, the appellants have commissioned a technical Daylight Analysis using the Vertical Sky Component principle advocated in the Building Research Establishment (BRE) publication '*Site Layout Planning for Daylight and Sunlight : A Guide to Good Practice*'. The analysis concludes that, whilst all affected windows would suffer some reduction in daylight, the reductions would be within what the BRE deems to be acceptable limits and would not be perceived by those occupying the affected rooms. Whilst the Council contends that the Analysis should have been submitted with the application, it does not directly challenge the results and I have no reason to doubt their accuracy.
12. LP Policy QD27 seeks to protect the amenity of neighbouring occupiers, including daylight and outlook, and I conclude on this issue that the proposal would accord with the objectives of this Policy.

### **Conclusion**

13. Notwithstanding my conclusion on the second main issue, the determining issue is the effect of the proposal on the character and appearance of the property and the area. Therefore, as the proposal would not accord with the LP policies identified in paragraph 9 above, and as there are no other considerations sufficient to justify a decision other than in accordance with the development plan, I conclude that the proposal is unacceptable. I have considered all other matters raised but found nothing that changes the balance of my decision that the appeal should be dismissed.

*John G Millard*

INSPECTOR

