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# Appeal Decision

Site visit made on 9 October 2012

**by John G Millard DipArch RIBA FCI Arb**

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

**Decision date: 16 October 2012**

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## **Appeal Ref: APP/Q1445/D/12/2181922**

### **1 Lynchets Crescent, Hove, East Sussex BN3 8EL**

- 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 Ross Pocock against the decision of Brighton & Hove City Council.
  - The application Ref: BH2012/01319 was refused by notice dated 26 June 2012.
  - The development proposed is single storey kitchen extension and boundary fence wall construction.
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## **Decision**

1. The appeal is allowed and planning permission granted for a single storey kitchen extension and boundary fence wall at 1 Lynchets Crescent, Hove, East Sussex BN3 8EL in accordance with the terms of the application Ref: BH2012/01319 dated 1 May 2012, subject to the following conditions:-
  - 1 The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
  - 2 The development hereby permitted shall not be carried out otherwise than in accordance with the approved drawing numbered RP-01, RP-02, RP-03, RP-04 Rev1, RP-05 Rev1, RP-06 Rev1, RP-07 and RP-08.
  - 3 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

## **Main Issue**

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

## **Reasons**

3. The appeal property is a detached bungalow on a corner plot within a modern residential development, where it occupies a prominent location at the junction of Lynchets Crescent, Downsview and St Helen's Crescent. The dwelling is positioned towards the north-east corner of the plot, because of which it has a much smaller back garden than is usual for the area, although its front and
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side gardens are significantly larger. The back garden is private but the front and side gardens are not enclosed and are open to public view.

4. The proposal is to erect a single storey rear extension, the effect of which would be to further reduce the available private amenity space, and to enclose the side garden with a dwarf brick wall and close boarded fence with an overall height of 1.8 metres in order to create a larger private garden area. The extension proposed would be modest in scale, unobtrusively located and sympathetic to the character of the host bungalow and surrounding area. As such it would satisfy the criteria for extensions to existing buildings set out in Policy QD14 of the adopted Brighton & Hove Local Plan 2005 (LP) and is acceptable.
5. It is a particular feature of development in Lynchets Crescent that there are no boundary enclosures to front gardens, resulting in an open character and sense of space. The appeal property is consistent with this pattern and thus contributes to the spacious character of the area. However, with the exception of Broad Rig Avenue, the pattern of development in neighbouring streets is more varied with a wide range of front boundary treatments in evidence. Of particular note, in the context of the appeal proposal, are No 10 Downsvie, 27 St Helen's Crescent, 77 Warene Road and 79 Warene Road.
6. In three of these cases, privacy of garden areas has been achieved by the erection of 1.8 metre (approx.) wooden fences along highway boundaries whilst, in the fourth, a dwarf brick wall has been erected with a tall hedge behind. 10 Downsvie and 27 St Helen's Crescent are the closest neighbours to the south of the appeal property whilst the two Warene Road properties are only a short distance to the west and are clearly seen in the context of the appeal property.
7. The boundary wall and fence proposed in this case would not enclose the front garden and would not be seen from Lynchets Crescent. As such, it would not detract from the characteristic openness of that street. Its main visual impact would be in Downsvie and St Helen's Crescent where it would be seen in the context of the varied boundary treatments prevalent in those locations. As such, I am satisfied that it would not appear dominant or incongruous, nor harmful to the character of the area.
8. Policies QD1 and QD2 of the LP seek to achieve high standards of design and to protect the positive qualities of neighbourhoods. The proposed boundary treatment would not conflict these objectives and I conclude that the proposal is acceptable.
9. In reaching my conclusions that both the extension and the boundary treatment are acceptable I have considered all other matters raised. I have, however, found nothing that changes the balance of my decision that the appeal should be allowed and planning permission granted.
10. I have considered the need for conditions in the context of the Council's suggestions and advice in Circular 11/95 – *The Use of Conditions in Planning Permissions*. Otherwise than as set out in this decision and its associated conditions, and in the interests of proper planning, it is necessary that the development is carried out in accordance with the approved drawings and, for

the avoidance of doubt, I shall impose a condition to that effect. To ensure that the extensions integrate satisfactorily with the host building I shall also impose the suggested matching materials condition.

*John G Millard*

INSPECTOR

