



Appeal Decision

Site visit made on 14 August 2013

by **Ray Wright** BA(Hons) DipTP MRTPI

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

Decision date: 22 August 2013

Appeal Ref: APP/Q1445/D/13/2200103

11 West Street, Rottingdean, Brighton BN2 7HP

- 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 Stephens against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/00145 was refused by notice dated 10 May 2013.
 - The development proposed is 'rear extension to enlarge existing kitchen'.
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Application for Costs

1. An application for costs was made by Mr and Mrs Stephens against Brighton & Hove City Council. This application is the subject of a separate decision.

Preliminary Matter

2. The extension, the subject of this appeal, has already been constructed. As carried out there is a minor discrepancy with the submitted elevation drawing. While the 'plans' show the correct layout with double doors and adjoining window, the 'elevation' shows a different door arrangement. Both parties have addressed this appeal based on the extension, as constructed, and I have also considered the appeal on this basis.

Decision

3. The appeal is allowed and planning permission is granted for a rear extension to enlarge the existing kitchen at 11 West Street, Rottingdean, Brighton BN2 7HP in accordance with the terms of the application, Ref BH2012/00145, dated 19 January 2012, and the plans submitted with it.

Main Issues

4. The main issues in this case are the effect on the character and appearance of the area and the effect on the adjoining property having particular regard to daylight and outlook.

Reasons

5. The appeal property is a two storey dwelling, with dormer windows to front and rear roof slopes, in a terrace of three similar properties. To the rear is a small
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courtyard garden which is adjoined by an open mews area to the front of other residential properties.

Character and Appearance

6. The extension, the subject of this appeal, links in with an original rear addition to provide a single storey kitchen extension to the full width of the property. The appeal element has been built with a mono pitch roof which, together with that existing, has created a 'butterfly' form.
7. As highlighted by the appellants there are other mono-pitched roofs on properties in the near vicinity of the site and a valley gutter is an appropriate solution for joining two such roof forms. In the circumstances I do not find this an incongruous form of construction, nor is it, to my mind, out of keeping with the style or design of the original property.
8. The extension is at the rear of the property within a tight knit group of buildings. While it is visible from the both the adjoining Windmill Mews and Victoria Mews and their associated properties, it is not widely visible from outside of these private enclosed courtyards. The extension, therefore, has only a very limited impact on the wider surrounding area.
9. Overall, the extension causes no material harm to the character and appearance of the area and, as such, there is no conflict with the design principles set out in the National Planning Policy Framework (Framework) or Policy QD2 of the Brighton and Hove Local Plan 2005 (LP) or the more detailed guidance in respect of extensions in Policy QD14 of the LP.

Effect on adjoining property

10. One of the principles of the Framework is to seek a good standard of amenity for all existing occupiers of land and buildings. Policies QD14 and QD27 of the LP indicate extensions should not result in the loss of a significant amount of daylight / outlook and that amenity of adjoining occupiers should be suitably protected.
11. The ground floor of the adjoining property is in use as an estate agents. The building has a two storey rear wing with a side door and window facing the flank wall of the extension. However, this appears to be in use as a store room. Therefore, the main effect of the extension is on a window to an office area in the main building which faces onto Windmill Mews to the rear.
12. As highlighted by the appellants, there is a difference in ground floor levels between the kitchen at the appeal property and the estate agents office at No 12, with the latter being around 800 mm higher than the appeal building. The main building of the adjoining No 12 is also deeper at the rear than the appeal property. These two elements reduce the consequent impact of the extension.
13. The rear office window is north facing and, with the existing two-storey wing at No 12, the light and outlook would have been limited before the appeal development took place. While the extension may have created some further enclosure and reduced light to this rear facing room, it does not appear to have rendered it unusable for continued office purposes and I note the occupiers do not appear to have raised any objection to the scheme as completed. To my mind the relationship is acceptable considering the commercial use of this room,

where such enclosure is far less important than in respect of living accommodation.

14. Overall, I conclude the extension does not result in material harm to the adjoining occupiers through loss of daylight or outlook. As such the scheme is not contrary to the Framework or Policies QD14 or QD27 of the LP.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.

Conditions

16. The Council have not put forward any conditions should the appeal succeed. I have considered the need for conditions in the light of Circular 11/95 and agree, in this case, that none are necessary.

Ray Wright

INSPECTOR

