



Appeal Decision

Site visit made on 3 September 2013

by Peter Rose BA MRTPI DMS MCMi

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

Decision date: 11 September 2013

Appeal Ref: APP/Q1445/D/13/2200752

26 Lincoln Street, Brighton, East Sussex BN2 9UH

- 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 Stephen Silverman against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/00164, dated 15 January 2013, was refused by notice dated 3 April 2013.
 - The development proposed is lower ground and ground floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a lower ground and ground floor rear extension at 26 Lincoln Street, Brighton, East Sussex BN2 9UH in accordance with the terms of the application Ref BH2013/00164, dated 15 January 2013, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with approved plans A.1, A.2, A.3, A.4, A.5, A.6, A.7, A.8 and A.9.
 - 3) Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Main Issues

2. The main issues are:
 - (a) the effect of the proposed development upon the living conditions of neighbouring occupiers at No 24 Lincoln Street with particular regard to light and outlook;
 - (b) the effect of the proposed development upon the character and appearance of the appeal site and of the adjoining locality.

Reasons

(a) Living Conditions

3. The appeal site comprises a mid-terrace dwellinghouse with a 2-storey front elevation but with a lower ground floor viewed from the rear, giving the property a 3-storey rear elevation. The property is part of a tightly-knit terrace with limited rear garden space, and the terrace backs onto the rears of similar

parallel properties. In common with adjacent dwellings, the property has been variously altered over time and has a painted rendered finish. The lower ground floor to No 24 has already been extended to a greater depth than that proposed for No 26 but is only single storey.

4. The proposal is to erect a two-storey, full width extension some 2.7 metres deep. The roof would be partly flat, partly mono-pitch and enclosed by parapet walls. A scheme previously approved by the local planning authority in 2006 under reference BH2006/02200 (the 2006 scheme) included a similar lower ground floor extension but with a smaller ground floor addition.
5. The orientation of the building and its relationship to No 24 mean there would be some loss of light to the side lower ground floor kitchen window of the extension at No 24, and to the adjacent glazed doors. However, the extended kitchen is also served by a larger, rear facing window and the overall effect on that room would not be significant. The glazed doors are slightly recessed and already fairly enclosed, including by the extension to No 24. The marginal impact upon daylight through the doors is likely to be limited, and evidence submitted shows the impact upon sunlight to be no greater than in the permitted 2006 scheme. A further ground floor window adjacent to the extension would also be affected but this is frosted and serves a bathroom. The overall impact upon light would therefore be similar to that arising from the 2006 scheme and is not considered unduly harmful.
6. In terms of outlook, the extension would be clearly visible from the lower ground floor side kitchen window of No 24, and from the adjacent glazed doors. The outlook towards the proposed lower ground floor extension from those viewpoints would be similar to that arising from the 2006 scheme, although the extension would be higher along that boundary. No windows are proposed in the side elevation. The slightly higher garden level to No 24 is also noted. In these circumstances, it is not considered that the extension would appear unduly overbearing or unneighbourly, or that it would contribute to a heightened sense of enclosure. For the same reasons, I consider the development would not cause significant harm to the living conditions of the occupiers of No 28 in these terms.
7. It is therefore concluded that the proposed development would not significantly harm the living conditions of adjoining occupiers at No 24. Accordingly, the proposed development would not be contrary to Policy QD14 (Extensions and alterations) or to Policy QD27 (Protection of amenity) of the Brighton and Hove Local Plan (the Plan). A core principle of the National Planning Framework is to seek a good standard of amenity for existing and future occupants of land and buildings and the proposal as it relates to the neighbouring property at No 24 would be consistent with that aim.

(b) Character and appearance

8. The property lies within a confined setting, and the original rear elevations of the terrace appear to have been flat and without addition. A number of extensions have since been added to properties, although none in this vicinity appear to be full width, two-storey extensions.
9. The rears of the host building and adjoining properties do not have an overall uniform appearance. The design of the windows relates reasonably to the existing elevation. The ground floor study would be served by a window of

similar width and position to the main existing first floor window above. The window would be slightly deeper, however, which would serve to harmonise with the new, taller windows proposed below. The proposed light bronze coloured aluminium frames would not match the original sash windows but would not be inappropriate in a modern extension and nor would they appear incongruous when seen in the context of the variety of window features seen along the rear of the terrace. The mono pitch to the roof is shallow, and the dual treatment of the roof would be significantly concealed behind parapet walls and would not therefore appear discordant.

10. The ground floor element would project further than the approved ground floor bay in the 2006 scheme and would be clearly visible to the rear. Nevertheless, the extension would be of a reasonable depth and width relative to the scale and proportions of the property and the size of the garden, and would be rendered to match the host building. Taken together, these factors would not make for an over-extended, bulky or otherwise unsympathetic appearance.
11. It is therefore concluded that the proposed development would not be harmful to the character and appearance of both the host building and locality. Accordingly, the proposed development would not be contrary to Policy QD14 of the Plan.

Other Matters

12. Regard has also been given to Permitted Development rights for householders, and to the internal benefits of the improvements proposed, but these matters do not affect my findings on the Main Issues.

Conditions

13. For the avoidance of doubt and in the interest of proper planning, a condition is imposed to ensure the development is undertaken in accordance with the relevant drawings. Details of the materials are as specified on the submitted drawings and a condition requiring matching materials is not therefore necessary. The Council has also suggested a condition to limit access to the rear roof. This is both necessary and reasonable in order to prevent harm to the amenities of adjoining residents from possible overlooking and noise disturbance.

Conclusion

14. For the above reasons, I conclude the appeal should be allowed.

Peter Rose

INSPECTOR

