
Appeal Decision

Site visit made on 19 August 2013

by Catherine Hughes BA (Hons) MRUP MRTPI

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

Decision date: 9 October 2013

Appeal Ref: APP/Q1445/D/13/2201209
13 Carlisle Road, Hove, East Sussex BN3 4FP

- 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 and Mrs G Hetherton against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/01221, dated 16 April 2013, was refused by notice dated 11 June 2013.
 - The development proposed is a single storey extension to the side and the rear to create further habitable accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey extension to the side and the rear to create further habitable accommodation at 13 Carlisle Road, Hove, East Sussex BN3 4FP in accordance with the terms of the application, Ref BH2013/01221, dated 16 April 2013, 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 the following approved plans: 062.EXG.01 and 062.PL.01/A.
 - 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.
 - 4) The roof area of the rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

Procedural matters

2. The plans as submitted as part of the planning application (Drawing No. 062.PL.01) show a door out onto the flat roof of the proposed rear extension from the rear first floor study of No. 13. This is inconsistent with the elevational details on the same drawing. As part of this appeal this plan has been amended (Drawing No. 062.PL.01/A) to remove this door, replacing it with a full height window in the centre of the existing bay. I am satisfied that no interests would
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be prejudiced by accepting the amended plan and I have come to my decision on the appeal on that basis.

Main Issues

3. The main issues in this appeal are the effect of the proposed extension on
 - the character and appearance of the host property and the wider area,
 - the living conditions of the occupiers of Nos. 11 and 15 Carlisle Road with particular regard to privacy and noise and disturbance.

Reasons

Character and appearance

4. Carlisle Road is an attractive residential street of mostly linked two storey dwellings leading to the seafront at Hove. The rear elevations of properties in the vicinity of the appeal site as visible from its rear garden display a range of alterations, extensions and balconies. Immediately alongside to the north No. 15 Carlisle Road has a single and two storey rear extension, in addition to a dormer with a Juliette balcony at second floor level. Beyond No. 15, and also visible from the rear garden of the appeal site, No. 17 has been extended to the same depth as No. 15, and the proposed development at No. 13, at two storeys with a further single storey extension into its garden.
5. To the south of the appeal site No. 11 projects into its garden to the same extent and in the same form as the existing rear elevation of the appeal site, with a balcony at first floor level facing its rear garden.
6. The proposed development would add a single storey side and rear extension to No. 13. This would project as far as the existing two storey extensions to the north of the appeal site and would amount to an increase of only 1m over the existing rear projections of No. 13 and No. 11. In design it would reflect the form of the single storey element of the immediately adjacent extension at No. 15.
7. Contrary to the Council's decision, I find that the built form of the proposed extension would introduce a simplicity of appearance to the rear elevation of the appeal property, which currently exhibits a range of depths and finishes, when viewed from its garden and surrounding properties. Furthermore, the single storey nature of the proposed development would be considerably less bulky than the existing adjacent two storey rear extension at No. 15.
8. For these reasons, I conclude that proposed extension would be in keeping with, and would not harm, the character and appearance of the host property and the wider area. It therefore would comply with Saved Policy QD14 of the Brighton and Hove Local Plan 2005 which requires alterations and extensions to be well designed, sited and detailed in relation to the host property, adjoining properties and to the surrounding area.

Living conditions

9. The flat roof of the existing rear extension to No. 13 acts as a small balcony at first floor level with access out from the rear study from a door in the bay

window. The same arrangement exists next door at No. 11 which has a balcony of similar scale. As a result both properties are overlooked by each other to some degree. The two storey extension at No. 15 has clear glazed windows in both the side and rear elevations which also overlook the appeal site. As the proposed side and rear extension would be single storey in height, I do not consider that it would result in any loss of privacy to the occupiers of adjoining properties.

10. The flat roof of the proposed rear extension would however be approximately one metre greater in depth than the present one. This larger roof would be of a scale that would enable the new balcony to be used for sitting out and a greater level of activity than is possible on the existing modest balcony.

11. While balconies are features of adjoining properties and as a consequence the rear gardens of both the appeal site and adjoining properties are overlooked to some degree, elevated sitting out areas are not characteristic and the introduction of such a feature would introduce the potential for noise and disturbance of a different nature to the occupiers of adjoining properties. I have therefore imposed a condition requiring no access from the first floor rear room onto the flat roof of the proposed extension to prevent its use as a balcony. On that basis I conclude that the proposed extension would not harm the living conditions of the residents of Nos 11 and 15 Carlisle Road with particular regard to privacy and noise and disturbance. As such it would not conflict with those aims of Local Plan Policies QD14 and QD27 that seek to protect the amenities of neighbours.

Conclusion

12. For the reasons above and having regard to all other matters raised I conclude that the appeal should be allowed.

Conditions

13. In addition to the standard time condition I have imposed a condition preventing the use of the flat roof as a balcony in the interests of the living conditions of the occupiers of adjacent properties, as outlined above. I have also required that external materials of the extension hereby permitted shall match those used in the existing building in the interests of the character and appearance of the area. In addition, for the avoidance of doubt and in the interests of proper planning, a condition requiring that the development is carried out in accordance with the approved plans is imposed.

Catherine Hughes

INSPECTOR

