



## Appeal Decision

Site visit made on 12 November 2013

by **S Holden BSc MSc CEng TPP MRTPI FCIHT**

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

Decision date: 18 November 2013

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**Appeal Ref: APP/Q1445/D/13/2206432**  
**15 Shaftesbury Road, Brighton, BN1 4NE**

- 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 James Evans against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/02290 was refused by notice dated 28 August 2013.
  - The development proposed is demolition of existing single storey rear extension, erection of new single storey rear extension.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing single storey rear extension and erection of a new single storey rear extension at 15 Shaftesbury Road, Brighton BN1 4NE, in accordance with the application Ref: BH2013/02290, dated 2 July 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 materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 3) The development shall not be carried out other than in complete accordance with the following approved plans: 3439.EX.01 and 3439.PL.01.

### Main issue

2. The main issue is the effect of the proposed extension on the character and appearance of the host property and the surrounding area.

### Reasons

3. Shaftesbury Road is characterised by three-storey Victorian terraced houses with paired two-storey rear outriggers. It is located within a densely developed part of the urban area of modest houses on small plots. The houses in Shaftesbury Road back on to a similar terrace that fronts Viaduct Road.
4. No 15 already has a substantial flat-roofed single storey extension that projects some 3.5m beyond the existing rear outrigger. The proposal seeks to demolish this extension and construct a replacement that would span the full width of the house. It would be a contemporary design with bi-folding timber doors and two roof lanterns within its flat roof.

5. The rear elevations of these terraced houses are characterised by the pairs of two-storey outriggers, which can be seen on the Ordnance Survey map to provide a strong sense of rhythm and uniformity to the area when viewed in plan form. However, it is apparent when looking out and around from No 15 that numerous small-scale alterations have been undertaken at the rear of the surrounding houses, including single storey extensions. The presence of boundary fences, vegetation and the other domestic paraphernalia in the back gardens reduces the visual impact of these changes at ground level. Nevertheless, at first floor and roof level the sense of rhythm and uniformity has been retained, thus largely preserving the overall appearance of these Victorian buildings.
6. At the immediately adjoining property, No 17, the gap between the outrigger and the boundary wall has been in-filled by an extension with a mono-pitched roof. The sidewall of this extension has created a sense of enclosure for the occupants of No 15. The view from the main living room is tunnel-like with its own deep extension to one side and the boundary wall with No 17 on the other. This also renders the small external space less usable, although this area currently has a raised deck that receives some sunshine due to the orientation of the house.
7. The proposed extension would occupy the full width of the house, filling the existing gap between the house and the boundary with No 17 and wrapping around the original outrigger. It would therefore further erode the original floor plan of this modest terraced house. However, although the proposal would be wider, it would also be both shallower and lower in height than the extension it would replace. Its flat roof would sit below the stand-up walls on either of the property's side boundaries. Its reduced projection and height would make it less dominant than the existing extension, which is large and bulky and bears little or no relationship to the form of the original dwelling. I am therefore not persuaded that in this case the loss of the gap between the existing house and the boundary with No 17 would be harmful, or that the proposal as a whole would be out of scale with the houses on either side.
8. The position of the extension, entirely to the rear of the property, would ensure that it would not be visible from any of the surrounding streets. It would be seen from the upper floors of some of the adjoining properties, particularly those that back onto the site. However, such views would be seen in the context of this densely developed urban area. The restricted height of the proposal, combined with existing extensions on the neighbouring houses, would mean that the proposal would not be visible from the ground floor rooms. There might be some limited views over the boundary fences, but this would, if anything, be an improvement on the existing situation. In this context I consider that the size and scale of the proposal would not adversely affect the terrace as a whole.
9. The Council has also expressed concern about the relationship of the flat roof of the extension with the pitched roof of the existing extension on the outrigger of No 13. There would be a difference in the heights, which could result in an awkward connection between the two buildings. However, in my view the existing arrangement, with different roof forms and different depths is not entirely satisfactory. With the proposal the depths of the extensions beyond the outriggers would be unified and the reduction in height of the structure at No 15 would represent an improvement over the current situation.

Furthermore, views of the anomalous connection would only be apparent from close quarters and I note that the Council rejected an earlier scheme where the height of the extension would have been comparable with that at No 13. In view of the eclectic mix of rear elevations at ground floor level in the area, I consider this issue is an insufficient reason to withhold planning permission, particularly as the height of the proposed extension would be comparable with that of the infill at No 17.

10. The Council has a Supplementary Planning Document: *Design Guide for Extensions and Alterations*, which was adopted in June 2013 (SPD12). It is therefore a material consideration to which I can attribute significant weight. The SPD provides advice and guidance on extensions of all kinds, including terraced dwellings with outriggers, such as the appeal property. It advises that infill extensions should not normally extend beyond the rear wall of the outrigger or wrap around the rear elevation. The aims of this advice are primarily to preserve the plan of the original building and to protect the living conditions of neighbours, by preventing loss of light and reducing the likelihood of an increased sense of enclosure. The SPD also emphasises the importance of retaining symmetry and continuity within terraces at roof level and where elevations are visible from the street. It advises that designs such as the contemporary addition of the appeal proposal are best located at ground floor and on elevations that cannot be seen from the street.
11. Notwithstanding the principles that it advocates, the guidance recognises that proposals must be considered on their individual merits and will depend on the design, the land levels of adjoining properties and the presence of other infill extensions. In this case the original plan of the house has already been compromised by the presence of the existing extension at No 15 and the infill that has been undertaken at No 17. The proposal would not be visible from any public viewpoints and, as it is only single storey, it would not harm the continuity or integrity of the upper part of the building or the original form of the terrace as a whole. I am therefore satisfied that the appeal proposal would comply with key aspects of SPD12 and not result in a material conflict with its underlying aims and objectives.
12. For these reasons I conclude that the proposed extension would not be harmful to the character and appearance of the host property or the surrounding area. It would comply with saved Policy QD14 of the Brighton & Hove Local Plan, which requires development to be high quality and respects its setting.
13. I will therefore allow the appeal, subject to conditions. In addition to the standard time limit a materials condition is required in the interests of the appearance of the development. It is also necessary that the development should be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. I have accordingly imposed a condition specifying the plans.

### **Conclusion**

14. For the reasons given I conclude that the appeal should succeed, subject to conditions.

*Sheila Holden*

INSPECTOR