



Appeal Decision

Site visit made on 17 June 2014

by **D Cramond** BSc MRTPI

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

Decision date: 1 July 2014

Appeal Ref: **APP/Q1445/A/14/2214179**

30 Whitehawk Road, Brighton, BN2 5FB

- 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 V Thivakaram against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/02343, dated 10 July 2013, was refused by notice dated 20 September 2013.
 - The development proposed is a rebuild and extension of rear side return addition and removal of existing timber structure and erection of single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a rebuild and extension of rear side return addition and removal of existing timber structure and erection of single storey rear extension at 30 Whitehawk Road, Brighton, BN2 5FB in accordance with the terms of the application, Ref BH2013/02343, dated 10 July 2013, subject to the following conditions:
 1. The development hereby permitted shall be carried out in accordance with the following approved plans: EO1, EO2, EO5, PO1, PO2, PO3, & PO4.
 2. No development shall take place until details and/or samples of the materials, colours and finishes to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matter

2. The works have been partly completed; this does not alter the way in which I assess the case.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

Reasons

4. The appeal property is a two storey terraced building. It appears to have been a modest Victorian dwelling and is now converted with a hot food take away business at ground floor and associated internal and external alterations from the original form. The property is located opposite a large bus depot and lies within a mixed area of commercial and residential uses creating a lively character and unremarkable appearance for the neighbourhood. It has a small

- yard to the rear and, effectively, the proposal is to cover most of that yard with a single storage extension to provide for fridge and storage space.
5. The Council's case is that given the planned form and scale the scheme would represent incongruous overdevelopment which would harm visual amenities of the parent property and wider area. Certainly the development would 'wrap around' an existing outrigger and would largely fill this small yard area. However this rear ground floor run of commercial properties is very varied in the scale, coverage, form and materials found as additions to the original properties. Wider visual integrity has been lost and whether or not the adjacent and nearby properties with full yard coverage are historic I can quite understand why they are cited by the Appellant and in this instance I consider that their existence cannot be lightly dismissed. At a practical level the small yards to the rear of these commercial properties can, and in some cases I noticed did, merely become untidy external storage and there is something to be said for preventing any risk of that occurring at these premises. In any event the walled nature of the rear space would not be greatly over-topped by the planned extension.
 6. Despite wrapping around the outrigger the form of the original property would remain readily apparent at upper level. I appreciate that the Council is concerned that the intended cladding material on the extension would be out of keeping with the Victorian property. Clearly there would be a contrast but to my mind in this instance this would help the new development to display a suitable degree of subservience to the main building and to enable the host structure's solidity and features to visually prevail. The appeal development would not readily be seen from a public realm vantage point and would not be jarring on the eye for those viewing from nearby homes.
 7. Saved Policy QD14 of the Brighton & Hove Local Plan calls for, amongst other matters, development to be well designed to protect local distinctiveness and respect the character of immediate buildings and the wider area. I conclude that the appeal scheme would not run contrary to these objectives. I have also had regard to the Council's SPD12 Design Guide for Extensions and Alterations which has broadly the same objectives and cannot be expected to cover every eventuality such as areas of mixed character and where commercial intensity already prevails.

Conditions

8. The Council refers to the need for the standard commencement condition – however the work is partly completed and so this is not necessary. There should be a condition that works are to be carried out in accordance with listed, approved, plans; for the avoidance of doubt and in the interests of proper planning. Whilst there was some limited information with the application I agree with the Council that there should be a condition relating to the submission and approval of external materials in the interests of visual amenity.

Overall conclusion

9. For the reasons given above I conclude that the appeal proposal would not have an unacceptable adverse effect on the character and appearance of the host property or the locality. Accordingly the appeal is allowed.

D Cramond

INSPECTOR