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## Appeal Decision

Site visit made on 17 November 2014

**by S J Papworth DipArch(Glos) RIBA**

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

**Decision date: 21 November 2014**

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**Appeal Ref: APP/Q1445/D/14/2226874**

**17 Wilbury Villas, Hove BN3 6GB**

- 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 Adrian Marlowe against the decision of Brighton & Hove City Council.
  - The application Ref BH2014/01506, dated 7 May 2014, was refused by the Council by notice dated 17 July 2014.
  - The development proposed is a single storey rear extension.
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### Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 17 Wilbury Villas, Hove BN3 6GB in accordance with the terms of the application, Ref BH2014/01506, dated 7 May 2014, 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 construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
  - 3) The development hereby permitted shall be carried out in accordance with the following approved plan RFA 13/265/02c.

### Reasons

2. The proposed extension would be to the rear of number 17 and to the side of the house adjacent to the other half of the semi-detached pair, but maintaining a gap between it and the common boundary. The main issue in this appeal is the effect of the proposed extension on the character and appearance of the pair of houses. Local Plan Policy QD14 on extensions and alterations requires, among other things, that proposals be well designed, sited and detailed in relation to the property to be extended, adjoining properties and the surrounding area. Supplementary Planning Document 12 '*Design Guide for Extensions and Alterations*' sets requirements over size and design relative to the site size and the nature of the original building.
3. A prior approval application (Ref BH2014/00436) was made for a similar extension under Schedule 1 Part 1 Class A of the General Permitted Development Order 1995, and particularly as amended in 2013 to permit up to 6m extensions to semi-detached houses until 30 May 2016, subject to the

maximum height and the eaves height. The Council confirmed that prior approval was not required, and so, subject to the conditions in the Order, and it conforming in all respects with the relevant parts of the Order, that similar extension can now be built.

4. The main difference appears to be that in order to comply with the 6m maximum depth from the relevant part of the rear wall of the original house, a notch was taken out of the regular rectangular shape at the corner nearest the boundary with number 15, forming a recess. In all other respects, including the roof form that the Council objects to in this application for express permission, the permitted development would be similar, if not identical, to the appeal proposal.
5. The prior approval regime for larger rear extensions is based on whether any adjoining neighbour raises an objection within the 21-day period. In that case the Local Planning Authority will take the objection into account and make a decision about whether the impact on the amenity of all adjoining properties is acceptable, but no other issues will be considered. One of the results of the recess is a less attractive and convoluted roof form at the point where the extension projects beyond the present rear extension at number 15, where the visual harm of the roof shape would be most exposed and apparent. In the absence of an objection however, the design of the roof would not have been a matter for the Council's consideration.
6. This is a true fall back position in that it can lawfully be built, and there is no other reason preventing the development. It is the stated view of the appellant that the permitted development scheme would not provide the shape or size of space required and hence is not a viable proposition, but in the absence of the appeal scheme in support of which that view is expressed, it could be built and full weight attaches to the fall back position.
7. The appeal scheme would be visually more attractive than the prior approval, fallback scheme due to the more regular shape of the perimeter roof, and the design and layout of the remainder of the roof would not cause harm to the character and appearance of the building as a whole, nor adversely affect the amenities of neighbouring occupiers. The roof arrangement of perimeter slopes and central lantern is unusual but it would be well integrated with the design of the existing rear projection and would not cause visual harm. The proposal would accord with Policy QD14 being appropriately designed, sited and detailed in relation to the property to be extended and adjoining properties, and would satisfy the requirements of the supplementary planning document on extensions.
8. The suggested conditions on the time limit for commencement and matching materials are necessary and appropriate to the development and in addition a condition is required naming the drawings, because otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. With those provisions and for the reasons given above it is concluded that the appeal should be allowed.

*S J Papworth*

INSPECTOR