



Appeal Decision

Site visit made on 9 December 2014

by Mrs H M Higenbottam BA (Hons) MRTPI

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

Decision date: 02 February 2015

Appeal Ref: APP/Q1445/A/14/2227911

The Atlas, 253 Old Shoreham Road, Hove BN3 7EB

- 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 Foundation UK Property Ltd against the decision of Brighton & Hove City Council.
 - The application Ref: BH2014/01583, dated 14 May 2014, was refused by notice dated 14 July 2014.
 - The development proposed is the erection of a ground floor single storey extension to the rear garden area.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host building and the wider area.

Reasons

3. The appeal site is located within the settlement of Hove, on the northern side of Old Shoreham Road (A270) and the eastern side of Holmes Avenue at a traffic controlled junction. Holmes Avenue is predominantly two storey semi-detached residential properties, whilst Old Shoreham Road is a mix of commercial and residential properties.
4. There are some evergreen trees on the frontage of the appeal site with Holmes Avenue with a close boarded fence on the boundary (approximately 1.8m high). However, Holmes Avenue is at a significantly higher level than the site and there are views and an appreciation of the appeal site from the gap on the boundary with 1 Holmes Avenue when approaching the junction with Old Shoreham Road. There are also other public views of the rear garden area of the appeal site, above the fencing or through the public site access/car park, from Holmes Road.
5. The proposal is for a single storey rear extension to provide a larger restaurant seating area with a floorspace of about 124 sqm. This is stated by the appellant to represent 32% of the resultant floorspace. The extension would project into the existing beer garden by approximately 9m and would have dummy pitched roofs to the rear and flank elevations. The proposals are stated to occupy less than half the depth of the existing beer garden.
6. At the time of my site visit development works were underway and the premises were not open to the public. I note that planning permission was

- granted (reference BH2014/00913) for a rear extension of approximately 89 sqm with a dummy pitched roof, inset from the northern elevation by about 1.7m.
7. A previous proposal was dismissed at appeal¹. In that case the single storey extension was proposed to have a flat roof and was similar in footprint, depth and eaves height to the current proposal.
 8. The Council have produced a Supplementary Planning Document entitled '*spd 12: design guide for extensions and alterations*' (SPD). It states that whilst it's primary purpose is to provide detailed design guidance for extensions and alterations to residential buildings it is also to be used for extensions and alterations to commercial buildings of a traditional domestic appearance. The Atlas is a two storey public house of traditional pitched roof appearance and in determining this appeal it is appropriate to consider the guidance in the SPD.
 9. The appeal proposal would comply in part with the SPD in that it would not consume more than half the rear garden area. However, it would be deeper than half the depth of the main body of the original building, which would be contrary to the SPD guidance.
 10. In views from Holmes Avenue the 9m depth of the extension would be visible along with large expanses of the flat roof behind the dummy pitched roofs. The proposed extension would dominate the rear elevation of the host building and appear as an incongruous addition that would fail to either complement or harmonise with the host building or the character and appearance of the wider area. Although fencing might hide views of the proposed extension, it would not result in a well designed or appropriate addition to the public house.
 11. Whilst I appreciate a single storey rear extension has been permitted at the appeal site with a dummy pitched roof, this would be about a third less floor area than the current appeal proposal. To my mind, it is the combination of the size of the proposal and the extent of the expanse of flat roof that I consider to be unacceptable.
 12. I therefore find that the proposal would be of poor design and would harm the character and appearance of the host building and wider area. This would be contrary to Policy QD14 of the Brighton and Hove Local Plan 2005 which states that extensions to existing buildings should be well designed, sited and detailed in relation to the property to be extended and to the surrounding area. Furthermore, it would be contrary to the National Planning Policy Framework (the Framework) which as a core planning principle states that planning should always seek to secure high quality design. The Framework states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It goes on to say that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
 13. For the reasons given above I conclude that the appeal should be dismissed.

Hilda Higenbottam

Inspector

¹ APP/Q1445/A/14/2212395