



Appeal Decision

Site visit made on 2 October 2008

by **S J Emerson BSc DipTP MRTPI**

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

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**Decision date:
9 October 2008**

Appeal Ref: APP/Q1445/A/08/2075376

C M Print, 61 Station Road, Portslade, Brighton, BN41 1DF.

- 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 A Jarred against the decision of Brighton & Hove City Council.
- The application Ref BH2008/00101, dated 13 December 2007, was refused by notice dated 12 March 2008.
- The development proposed is described as an amendment to approval BH2007/02968.

Procedural matters

1. In November 2007, the Council granted planning permission for a single storey rear extension to the appeal premises with a depth of 5m. This is the planning permission referred to in the description of development. The appeal application plan shows a rear extension with a total depth of 8m. The Council amended the description of development to: *amendment to approval BH2007/02968 (to increase the depth of the extension by 3m)*. At the site visit I saw that the permitted 5m extension has been completed. I thus consider that the Council's description of development is now accurate and I have considered the proposal as the addition of a 3m extension to that which has recently been completed. There are new footings extending 2m beyond the completed extension, but I have considered the appeal proposal as a 3m extension, as shown on the application plan.
2. There is a discrepancy on the application drawing. The layout plan shows a set of double doors at the end of the proposed extension whereas the end elevation does not show any doors. The appellant has not clarified this discrepancy, but refers to the need for fire exists. The recently completed extension has a door in the side elevation. This is not shown on the application drawing, which shows 2 windows in the side elevation. I have considered the appeal on the basis of the layout plan and assume that the development would include doors at the end of the extension.

Decision

3. I dismiss the appeal.

Main issues

4. The main issues are:
 - (a) The effect on the character and appearance of the area.
 - (b) The effect on the living conditions of adjoining residents, with particular regard to noise.

Reasons

5. The main part of the appeal building is 2 storey with rooms in the roof. At the rear, there is a large, flat roofed single storey addition across the full width of the building. This was built some years ago and the recently completed extension projects from this rear addition along the southern boundary. The new extension is finished in painted render with a flat roof to match the main rear extension. The proposed extension would be in similar materials. The rear of the extension would come close to the rear boundary of the site, leaving a small yard to the side. The ground floor of the appeal premises is used as a printers and the appellant lives in a flat above.
6. The appeal premises are in a mixed use area where there are a wide variety of buildings and uses. On the southern side of the site there is a substantial building used for tyre and exhaust fitting. The blank brick side wall of this building extends to the rear boundary of the appeal site and is a dominant feature from the rear of surrounding properties. On the other side of the appeal site, 60 Station Road is a small terraced house with a small garden alongside the yard of the appeal site. To the rear of the appeal premises and separated from it by a narrow alleyway, is the rear garden of 1 St Andrew's Road. This is the end of a terrace of houses at right angles to Station Road.
7. The extensive flat roofed additions that have been built at the rear of the main 2 storey part of the appeal building do not complement the original building and have no design merit. However, they have the benefit of being low structures which are unobtrusive and largely hidden from public views. The proposed extension would be a small addition to the existing area of flat roofed extensions and would match the existing design. Perpetuating the existing design is now the most appropriate design solution for a small addition, rather than introducing an alternative style.
8. There would be only a fleeting public view of the top of the extension from St Andrew's Road across a parking area and the garden of No 60, over the top of various boundary walls. But in these views the dominant feature is the large brick gable wall of the tyre and exhaust workshop which provides a tall built backdrop to the existing and proposed extensions. There would be no harm to the street scene. The proposed extension would be readily noticeable from the adjoining dwellings and from their gardens. But the building would not be overbearing or dominant given its single storey, flat roofed design. In views towards the proposed extension the dominant feature is the gable wall of the tyre and exhaust building.
9. I therefore consider that the proposed extension would not harm the character or appearance of the area and, in its context, represents an acceptable design. There is no conflict with policies QD1 (design) and QD14 (extensions and alteration) of the Brighton and Hove Local Plan 2005.
10. On the application drawing, the whole of the 8m rear extension is described as an *office*. I saw that the 5m extension recently completed housed a substantial machine and did not appear to be used as an office in the conventional meaning of that word. The present extension is not separated from the rest of the ground floor on this side of the building where there is another substantial machine. I consider that the authorised use of the premises has the potential

to disturb neighbouring residents as a result of noise, especially when in their gardens. Given that the existing and proposed extensions appear to form an integral part of the ground floor of the premises, it would not be practical to seek to restrict their use to office purposes only.

11. It might be possible to insulate the existing and proposed extensions to adequately reduce the external transmission of noise, but any such measures would be undermined if windows and doors were open, especially as these face the neighbouring gardens at close quarters. The appellant refers to other forms of ventilation and temperature control, but there are no details. The proposed doors would provide convenient access to the rear yard and to what the appellant describes as the area for the recycling of waste material. It is unrealistic in my view to expect the appellant to keep doors and windows shut other than in emergencies. It is likely, given the large machinery in a relatively small building, that staff would want to have windows and sometimes doors open when the weather is warm. But those would be the very occasions when residents are most likely to be in their gardens.
12. I appreciate that the machinery in the building does not run all the time or every day, but I am concerned that there is considerable potential for disturbance and on the evidence before me I am not satisfied that this potential harm could be overcome by conditions. I also recognise that the recent extension has a window and a door in the side and when these are open there may already be some disturbance from noise. Whilst the proposed extension is small, I see no justification for adding to the capacity of this part of the building to house machinery and the proposed rear doors would face the garden of 1 St Andrew's Road. I consider that there is conflict with policy QD27 (protection of amenity) of the local plan. The potential harm to the living conditions of adjoining residents as a result of noise is sufficient reason to dismiss the appeal.

Simon Emerson

INSPECTOR

