

# Appeal Decision

Site visit made on 20 May 2014

**by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI**

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

**Decision date: 22 May 2014**

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**Appeal Ref: APP/Q1445/D/14/2217328**

**49 Compton Road, Brighton, BN1 5AL**

- 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 Greening against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/04079, dated 1 December 2013, was refused by notice dated 27 January 2014.
  - The development proposed is a two storey rear extension.
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## Decision

1. The appeal is allowed and planning permission is granted for a two storey rear extension at 49 Compton Road, Brighton, BN1 5AL in accordance with the terms of the application, Ref BH2013/04079, dated 1 December 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 construction of the external surfaces of the development 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: 630/13/03

## Preliminary Matter

2. The national Planning Practice Guidance came into force on 6 March 2014. However, it has not had a bearing on the considerations in this appeal.

## Main Issues

3. The main issues in this case are the effects of the proposal on:
  - the character and appearance of the area and the host building
  - the living conditions of the occupiers of number 47 with particular regard to outlook.

## Reasons

### *Character and Appearance*

4. The appeal property is a two storey dwelling with a two storey 'outrigger' rear projection, beyond which is a further single storey lean-to projection. In this

respect it is typical of the properties along this section of Compton Road. However, the appeal property is at the end of a terrace and there is a gap of some 2m between its flank wall and that of number 47.

5. The proposed two storey extension would infill the space between the side of the outrigger and the flank wall of the property. A single storey lean-to would replicate the form of the existing lean-to. The two storey element would interrupt the uniformity of the pairs of outriggers at the rear of this row of houses. However, whilst the outriggers can be seen from the rear windows and gardens in the row, they are not visible from the street and this limits their contribution to the character and appearance of the area as a whole. Moreover, the end of terrace siting of the appeal property distinguishes it from the majority of houses in the row and the extension's lower, pitched roof would serve to identify it as a subservient addition. This would help to maintain the integrity of the plan form of the original building.
6. Therefore, I find that the proposal would not have a detrimental effect on the character and appearance of the area or the host building. Consequently, it would comply with policy QD14 of the Brighton and Hove Local Plan (LP) which requires extensions to be well designed and sited in relation to the extended property and the surrounding area. The proposal would also accord with the Council's *Design Guide for Extensions and Alterations Supplementary Planning Document* (SPD) insofar as it advises that two storey rear extensions should not disrupt the layout and form of the original building.

#### *Living Conditions*

7. The proposed extension would, to a degree, narrow the outlook from one, rear facing first floor window in number 47. However, having regard to the gap between the two properties, the width of the space which provides this outlook (between the flank wall of number 47's outrigger and the flank wall of the proposed extension) would be little different from the width between adjoining outriggers elsewhere along the terrace. Although the appeal property is set at a slightly higher level than number 47, this would not materially reduce the outlook from the affected window.
8. A single storey extension fills in the space to the side of number 47's outrigger. As such, the proposed extension would not affect the outlook from the rear facing ground floor window of number 47.
9. Therefore, I consider that the proposal would not harm the living conditions of the occupiers of number 47 with regard to outlook. As such the proposal would comply with LP policies QD14 and QD27 and the SPD which, among other things, presume against extensions which result in neighbouring occupiers experiencing a loss of outlook.

#### *Conditions*

10. In addition to the standard time limit condition, the Council has suggested a condition requiring external materials to match the existing building. This is necessary in order to safeguard the character and appearance of the area and meets the tests set out in the national Planning Policy Guidance. A condition specifying the approved plan is also necessary for the avoidance of doubt and in the interests of proper planning.

*Conclusion*

11. There is nothing to indicate that the local plan policies referred to above are in conflict with the Framework.
12. For the reasons outlined above, the appeal should be allowed.

*Simon Warder*

INSPECTOR