

## Appeal Decision

Site visit made on 15 March 2016

**by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI**

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

**Decision date: 22 March 2016**

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**Appeal Ref: APP/Q1445/D/15/3139360**  
**46 St. Luke's Road, Brighton BN2 9ZD**

- 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 Simon Cockfield against the decision of Brighton and Hove City Council.
  - The application, Ref BH2015/02695, dated 21 July 2015, was refused by notice dated 1 October 2015.
  - The development proposed is a rear extension to the existing dwelling house.
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### Decision

1. The appeal is allowed and planning permission is granted for a rear extension to the existing dwelling house, at 46 St. Luke's Road, Brighton BN2 9ZD, in accordance with the terms of the application, Ref BH2015/02695, dated 21 July 2015, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: PL01 rev A Location and Site Plan; PL02 rev A Existing Plans and Elevations; PL03 rev C Proposed Plans and Elevations.
  - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.

### Main Issues

2. The main issues are:
  - the effect of the proposed development on the appearance of the host building and the appearance of the surrounding area; and,
  - the effect of the proposed development on the living conditions of the occupiers of 44 St. Luke's Road, with particular regard to outlook.

### Reasons

*The effect on the appearance of the host building and the surrounding area*

3. The house the subject of this appeal stands in a terrace of similar, white-rendered, 2-storey houses. The Council considers that the cumulative impact of this proposal when viewed together with the roof development on the appeal
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house, and on the neighbouring houses in this terrace, would be detrimental to the appearance of the house and its surroundings. I agree that the roof developments in this part of the terrace have changed its character, and the modulation provided by the sloping main roofs has been lost. However, I do not find that the cumulative effect including the high level development has such a bearing on the sensitivity of the ground floor level that minor extensions should be constrained to compensate for the existing, high level roofscape.

4. I note the contents of the Council's Design Guide for Extensions and Alterations Supplementary Planning Document 2013, resisting the development of the external corner by outriggers, however, unlike the neighbouring houses in this terrace, No 46's rear outrigger is shorter than those at Nos 42, 44 and 48. The depth of the proposed extension would extend only marginally beyond the outrigger of No 44. These factors, combined with the relatively modest height of the extension and the reintroduction of a pitched roof into the townscape of the rear of the terrace, would ensure that the scheme does not undermine the existing townscape or harm the appearance of the rear of the terrace or the character of the wider area.
5. I find that the proposal would be in accordance with saved Policy QD14 of the Brighton and Hove Local Plan 2005, which requires extensions to take account of the character of an area and to be well-designed, sited and detailed in relation to the property to be extended, adjoining properties and the surrounding area.

*The effect on the living conditions of the occupiers of 44 St. Luke's Road*

6. No 44 St Luke's Road adjoins No 46 and has a rear outrigger flank wall set around 2m from the boundary between these two houses. This confined space, which has a ground level around 200mm lower on the No 44 side than the No 46 side, is used to store a range of domestic paraphernalia. It contains in its ground floor a window to a kitchen and a small obscure glazed window at high level. In its end elevation it contains glazed patio doors which also serve the kitchen. I noted on my site visit that the window in the main rear wall of the house, beside the outrigger, serves a 'knocked-through' dining room/ living room which is also lit by a window in the front wall of the house. I also noted that there is a translucent, polycarbonate lean-to roof erected over part of the length of the side gap by the outrigger and next to the boundary wall between the houses. I saw that the side area faces north-west and is already overshadowed by surrounding houses.
7. Because of this lean-to roof, the outlook from the kitchen is largely limited to the boundary wall between the properties, with a small degree of outlook beyond it, to the flank of No 48. The outlook from the living room/ dining room of No 44 is already enclosed by the lean-to roof and the boundary wall. While the proposed extension would extend around 800mm past the outrigger of No 44 which lights their kitchen, because of the separation of the outrigger from the boundary, there would be no material loss of outlook from the kitchen via this opening.
8. In these circumstances, the proposed extension, because of the relatively low height of its flank wall, its limited rear projection, and its roof which would slope away from No 44, would not materially harm the living conditions of the occupiers of 44 St. Luke's Road, with particular regard to outlook.

9. It would be in accordance with saved Policies QD14 and QD27 of the Brighton and Hove Local Plan 2005 which say that permission will be refused for development that would cause loss of amenity to adjacent residents or which would result in loss of outlook to neighbouring properties. It would also accord with one of the core planning principles of the National Planning Policy Framework 2012 (paragraph 17); that planning should seek to ensure a good standard of amenity for surrounding occupants of land and buildings.

**Conditions**

10. In order to achieve a satisfactory appearance a condition is required to ensure that the external materials should match the existing building. Conditions requiring the development to be carried out within the relevant timescales and in accordance with the approved plans are necessary to provide certainty.

**Conclusion**

11. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be allowed.

*Patrick Whelan*

INSPECTOR

