



Appeal Decision

Site visit made on 17 February 2009

by **Richard A. Hersey BA DipTP MRTPI**

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

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Decision date:
9 March 2009

Appeal Ref: APP/Q1445/A/08/2092104 100 Buckingham Road, Brighton BN1 3RB

- 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 P.I.B. UK Ltd against the decision of Brighton & Hove City Council.
- The application, ref. BH/2008/02451, dated 17 July 2008, was refused by notice dated 10 October 2008.
- The development proposed is *Side extension to provide two two-bedroom maisonettes.*

Decision

1. I dismiss the appeal.

Main issues

2. I consider that there are three main issues. One issue is the effect of the development on the appearance of the building and on the character and appearance of the West Hill Conservation Area. The second issue is whether the development would provide a satisfactory standard of housing accommodation. The third issue is the likely effect on the living conditions of neighbouring residents at 99 Buckingham Road.

Reasons

3. The appeal property is a three storey and basement semi-detached Victorian house, now converted into five flats. The proposal is to demolish a block of three garages at the rear and to erect a three storey and basement side extension comprising two two-bedroom maisonettes.
4. This part of the Conservation Area is characterised by semi-detached pairs of villas, spaced around a bend in the road, beyond which to the north are substantial terraces of houses.
5. I appreciate that the existing gap between nos. 99 and 100 is significantly larger than the gaps between other properties in this small group. Because of this, I do not consider that the closing of the gap to the extent proposed in this case would, by itself, necessarily be out of character with or unduly harmful to the street scene. I do, however, share the view of the Council and interested parties about the effect of the extension on the appearance of the building. Although the extension would be set back from the staircase projection at the side of the building, it would itself have a stepped plan form. Because of this plan, its width, its eaves height matching eaves level of the existing building and its complex pitched roof form above that, I consider that the extension

- would appear as an over-dominant addition to the existing building. It would seriously unbalance the appearance of the semi-detached pair, thereby harming the appearance of the building, the street scene and the character of the conservation area.
6. I do not consider that the proposed bin store, located at the side of the property against the low wall between nos. 99 and 100 and partly screened by vegetation would be unduly prominent but the side extension would be contrary to policies QD2 (Design), QD14 (Extensions) and HE6 (Conservation Areas) in the Local Plan.
 7. With regard to the standard of accommodation, I agree with the appellant that the proposal to provide a small rear garden in place of the garages and comparable with the garden at the rear of the lower flat in the existing building would be reasonable in accordance with policy HO5 of the Local Plan.
 8. Cycle storage is shown to be provided for the new flats in the hall of the existing building. I appreciate the appellant's point that there is no requirement to provide cycle storage for the existing flats. However, apart from the practical and aesthetic problems of providing a cycle store in the hall of an elegant, recently refurbished building, to which the new lower flat would have no direct access, the loss of the garages would effectively remove the possibility of providing adequate cycle storage space for the whole building and, as such, it would not accord with the Council's objectives for cycle access and parking referred to in policy TR14 of the Local Plan.
 9. I have had regard to the Council's comments regarding its Lifetime Homes standards but it seems to me that, in so far as they would be applicable in this case, a condition could be imposed requiring further details.
 10. As for the effect on neighbouring properties, the extension, by reason of its height and proximity to the boundary with 99 Buckingham Road, would have some effect on the light to the windows in the side of that property but, as these windows appear to be minor or secondary windows, I do not consider that the effect would be serious. The depth of the extension, projecting some 2 to 3 metres beyond the rear wall of no.99 and at a similar distance from the garden boundary, would provide an increased sense of enclosure to the rear of no.99 and its garden but, bearing in mind the angle between the rear elevations of the two properties, I do not consider that the effect on the living conditions of the residents of no.99 would be so serious as to justify refusal for this reason. I have also had regard to the comments of a prospective owner of a flat in the existing building. Any loss of light to habitable rooms in the existing flats would be minimal. I do not consider that additional overlooking of the rear garden would be serious.
 11. I acknowledge that the development would provide two new dwellings on previously developed land in a convenient location but I consider that the benefits arising would be outweighed by the harm that I have identified.

R.A.Hersey

INSPECTOR
