



Appeal Decision

Site visit made on 20 February 2018

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State

Decision date: 26 February 2018

Appeal Ref: APP/Q1445/D/17/3187252

81 Woodbourne Avenue, Brighton BN1 8EJ

- 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 Jason Champion against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00747, dated 2 March 2017, was refused by the Council by notice dated 8 August 2017.
 - The development proposed is single storey rear extension.
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Decision

1. I allow the appeal and grant planning permission for a single storey rear extension at 81 Woodbourne Avenue, Brighton BN1 8EJ in accordance with the terms of the application, Ref BH2017/00747, dated 2 March 2017, 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 plans: Drawing No2 and Drawing No 3.
 - 3) 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.
 - 4) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area, and access shall be for maintenance and repair only.

Reasons

2. The main issue is the effect of the proposed extension on the character and appearance of the area, and Policy QD14 of the Brighton and Hove Local Plan requires extensions and alterations to be well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area, taking account of the existing space around buildings and the character of the area. Supplementary Planning Document 12 '*Design Guide for Extensions and Alterations*' sets out at page 7 the design principles for single storey rear extensions. Paragraph 56 of the National Planning Policy Framework states that the Government attaches great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

3. The Council have also referred to Policy QD27 on loss of amenity but the Officer's Report concludes that there would be no harm to the living conditions of neighbouring occupiers. However, at the site Inspection the appellant volunteered not to use the flat roof as a balcony, and in the circumstances, that representation was accepted. A condition to that effect is required to protect the amenities of the neighbouring occupier as sought in Policy QD27.
4. The planning history of the building is somewhat complicated and the appellant admits to being confused. There do appear to be conflicting decisions with regard to whether the proposal is permitted development or not, based on the same drawings as for this appeal. These previous decisions are of limited weight in the current appeal, since the permitted development regime does not take account of the Development Plan as required by section 38(6) of the Planning and Compulsory Purchase Act 2004 for an application for express permission.
5. The dwelling has been subject to previous additions, the main effect of this on the street scene being the roof conversion. To the rear the effect of those works is more obvious in the form of the dormer window across a significant part of the enlarged roof width. Below that is the original rear projection common to other dwellings in the group, shown on this property as being a study. Originally there would have been a porch and stairway, as seen at number 83, but it is not attractive and has been removed at number 81.
6. The single storey extension now proposed would, due to the slope in the land, be at lower ground floor level, and as a result of this difference in level, the effect would, as asserted by the Council, be of three storeys of accommodation to the rear elevation, but that lower level already appears to exist as storage.
7. The rear elevation shown on drawing No2 gives a misleading impression of the effect of the addition, since it appears to be all on one plane, which is not, and would not be, the case as made clear in the side elevation. There would be the dormer window set back from the original main eaves of the dwelling at the upper level, with the original projection further to the rear and at an intermediate level, and the proposed single storey projection further to the rear again, and at a lower level still. The effect would be of an acceptable progression of forms from top to bottom and from front to rear.
8. The proposal would not contravene the requirements or diagrams in the Supplementary Planning Document and would accord with the requirements of Policy QD14 on its effect on the building, adjoining dwellings and the surrounding area. The extension, and the complete building, would reach the standard of design sought in paragraph 56 of the Framework. The proposal would therefore be an acceptable addition to the already enlarged dwelling.
9. In addition to that concerning use as a balcony, conditions are required to ensure that the materials match those of the existing dwelling and specifying the relevant drawings to which this permission relates, as this provides certainty. With those provisions and for the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

INSPECTOR