



Appeal Decision

Site visit made on 13 November 2018

by P Wookey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th December 2018

Appeal Ref: APP/Q1445/W/18/3201528
59B Norton Road, Hove BN3 3BF

- 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 Miss Bethan Green against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/01009, dated 23 March 2017, was refused by notice dated 14 March 2018.
 - The development proposed is a single storey extension to lower ground floor flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the host dwelling and the wider Willett Estate Conservation Area; and
 - The living conditions of No 12 Eaton Road, with particular regard to outlook and light.

Reasons

3. No 59B Norton Road (No 59B) is the basement flat of a large detached three storey property, located at the junction with Eaton Road. At the northern end of Norton Road, the properties are mainly large detached or semi-detached, with mature trees along the pavement on each side of the road. The site is situated within the Willett Estate Conservation Area (WCA).
4. I have not been provided with a heritage statement or conservation area appraisal in this appeal. However, based on the evidence before me and from my observations during my site visit, I consider the significance of the WCA lies in part in its tree lined streets principally characterised by rows of generally uniform, bay fronted detached, semi-detached and terraced villas. No 59 Norton Road is a prominent detached villa, contributing positively to the significance of the WCA, which is a designated heritage asset.
5. The proposal would develop a single storey extension to the lower ground floor, replacing an existing single storey conservatory, constructed of brickwork and with a flat, felt roof. The extension would be box like in its design and appearance and as a result would fail to relate to the proportions of the main house. The new larger extension would extend well beyond the footprint of the

existing conservatory and occupy most of the rear yard, closer to the adjacent boundary wall with No 12 Eaton Road (No 12) and the gable end wall of No 57 Norton Road. Neighbouring properties, along Eaton Road, which are visible from the gap between No 57 and 59 Norton Road have retained their rear garden space at lower ground floor level and therefore the proposal would appear incongruous in this context. Whilst the street level hedging at the front of the building would obscure much of the extension, except for the flat roof, it would harm the character and appearance of the host building and the surrounding WCA.

6. Given the modest scale of the proposal I consider that the harm arising to the WCA would be less than substantial in the context of paragraphs 195 and 196 of the revised National Planning Policy Framework. Such harm should be balanced against any public benefits that the scheme might bring. I understand that the proposal would assist the landlord's ability to attract tenants, but this is essentially a private benefit. No other benefits have been put to me. Harm to a designated heritage asset is matter of considerable importance and weight and so it is not outweighed by public benefits in this case.
7. I conclude that the proposal would harm the character and appearance of the host dwelling and the wider WCA, contrary to Policies QD14 and HE6 of the Brighton and Hove Local Plan 2016 (LP) and Policy CP15 of the Brighton and Hove City Plan Part One 2016 (CP), which amongst other things, seek to preserve and enhance the character and appearance of the surrounding area, including Conservation Areas, as a result of the proposed new development.

The effect of the proposed development on the living conditions of No 12 Eaton Road

8. The proposed extension due to its larger area, height, unsympathetic design, use of materials and position would be significantly different to the existing conservatory. Whilst I accept that the solid brick northern elevation of No 57 Norton Road impedes the quality of the current outlook and reduces the amount of daylight to the basement flat of No 12 Eaton Road, this would be exacerbated by the higher solid box like structure proposed at No 59B which would be positioned much closer to the boundary wall of the two properties. This would result in a loss of light toward the rear south facing fenestration of the adjacent basement flat and overshadow its garden space.
9. I therefore conclude that the proposed extension would be overbearing and result in an overshadowing effect which would cause harm to the living conditions of the occupiers of No 12 Eaton Road and in particular the occupiers of its basement flat. For this reason it would be contrary to Policy QD27 of the LP which seeks to safeguard the amenity of neighbouring occupiers as a result of new development.

Other Matters

10. I note the appellant's concern that the existing flat falls short of expectations in the current property climate. However, I have found harm in relation to the designated heritage asset and the living conditions of neighbouring occupiers, which is not outweighed by property market considerations.

Conclusions

11. For the reasons set outlined above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Paul Wookey

Inspector

