



Appeal Decision

Site visit made on 20 November 2018

by **P Wookey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th December 2018

Appeal Ref: APP/Q1445/W/18/3201334

1 Campbell Road, Brighton BN1 4QD

- 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 Chroma Property Management against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/06570 dated 21 December 2016, was refused by notice dated 27 October 2017.
 - The development proposed is conversion of the existing property into 1 no. 1 bed flat, and 1 no. 4 bed maisonette.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the existing property to 1 no. 1 bed flat, and 1 no. 3 bed maisonette at 1 Campbell Road, Brighton BN1 4QD, in accordance with the terms of the application, Ref: BH2016/06570, dated 21 December 2016, 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 approved plans listed: EX.01.A; P.01.A.

Procedural Matter

2. The Council considered amended plans during the course of the application and determined the application on that basis. I have therefore determined the appeal on the same basis and I am satisfied that no party's position would be prejudiced by me doing so. I have therefore determined the appeal based on the amended proposals and plans submitted for a 1 no. 1 bed flat, and 1 no. 3 bed maisonette, which differs to the original description on the application form.
3. The Council has included in its reason for refusal an existing dormer, which the appellant states was undertaken as permitted development, but has not provided a Certificate of Lawful Development to support this. Whether it was permitted development or not is not a matter for this appeal made under Section 78 of the Town and Country Planning Act 1990 and I determine the appeal on the basis of the development shown on the submitted plans, as amended.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the property and the wider area.

Reasons

5. No 1 Campbell Road (No 1) is a two storey terraced, with basement, property located on Campbell Road close to the junction with New England Road. The existing building is a 5 bedroom dwelling house with a loft conversion, which includes a dormer at the rear and rooflights at the front of the property. It has fairly recently been used as a House in Multiple Occupation, but I am advised that use has ceased. The surrounding area is mainly in residential use with local facilities located on New England Road.
6. The proposal would convert the existing property into two units, a self-contained basement 1 bed flat and on the upper floors, a 3 bed maisonette. Both properties would have separate access from the street. The basement flat would have the use of the small rear garden and the maisonette would have the use of an existing first floor terrace.
7. I note that the Council has stated that the principle of the proposed development is in accordance with the requirements set out in Policy HO9 of the Brighton and Hove Local Plan (retained policies 2016) (the Local Plan) and, based on the evidence before me I see no reason to consider otherwise.
8. The proposal would not make any further external alterations to the front of the property. Therefore the current rhythm of the street scene would be maintained, without interruption or any significant effect on its character and appearance. The Council has raised no particular concern with the front roof light, and I found it to be an unobtrusive feature in the street scene.
9. No further external alterations would take place at the rear of the property, which backs onto the gardens of properties on Argyle Road. Whilst there would be some overlooking onto the rear garden from the first floor terrace, this relationship exists at present and as there is an established level of mutual overlooking from adjacent properties there would be no significant additional impact.
10. The rear dormer, which I understand was constructed in 2016, has added significant bulk to the rear roof slope and is of box-like design, occupying much of the width and height of the roof. As such it is generally inconsistent with the design principles for roof extensions set out in the Council's adopted Design Guide for Extensions and Alterations SPD12. However, in this instance I saw that the dormer is sited such that it is largely imperceptible in public views from the street, due to the terraced nature of the buildings around the block of which this side of Campbell Road forms part. I therefore find no significant harm arising from the dormer to the character and appearance of No 1 or its surroundings.
11. I have therefore concluded that the proposal would not have an adverse effect on the character and appearance of the host property or the wider area and would not be contrary to Policy QD14 of the Local Plan, which amongst other things, sets out that extensions and alterations to existing buildings should be well designed, sited and detailed in relation to the host property and the surroundings.

Conditions

12. I have imposed two conditions. 1) is the statutory condition limiting the validity of the permission and 2) to specify which plans are approved and to ensure compliance with them, in the interests of certainty.
13. I note that the Council suggested a condition to ensure that the property remains car free. I also note that the highway authority has not raised any objections in relation to SPD14, stating that any additional pressure for on street parking, beyond the permitted number of parking permits for this size of dwelling, would be managed by it being within a Controlled Parking Zone. I am therefore satisfied that it is not necessary to impose a condition on this matter.

Conclusions

14. For the reasons given above, the appeal is allowed.

Paul Wookey

INSPECTOR

