



Appeal Decision

Site visit made on 22 November 2018

by **John Felgate BA(Hons) MA MRTPI**

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

Decision date: 15th January 2019

Appeal Ref: APP/Q1445/D/18/3214209

105 Shirley Drive, Hove BN3 6UE

- 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 & Mrs A Pollard against the decision of Brighton & Hove City Council.
 - The application Ref BH2018/00440, dated 9 February 2018, was refused by notice dated 26 July 2018.
 - The development proposed is: "*erection of a part single and part two-storey rear extension, incorporating rooflights to south and east elevations, enlargement of existing garage and associated works*".
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Decision

1. The appeal is allowed and planning permission is granted, for the erection of a part single and part two-storey rear extension, incorporating rooflights to the south and east elevations, with the enlargement of the existing garage and associated works, at 105 Shirley Drive, Hove BN3 6UE, in accordance with the application Ref BH2018/00440, dated 9 February 2018, subject to the following conditions:
 - 1) The development shall begin not later than 3 years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved plans: ADC988/LP, ADC988/08, ADC988/09, ADC988/10, and ADC988/11.
 - 3) The materials to be used on the external surfaces shall match those used on the existing building.

Main Issues

2. The Council's objections relate only to the proposed rear extension. The issues arising from the refusal reasons relate to the effects of this on the character and appearance of the area, and on the outlook from neighbouring properties.

Reasons for Decision

Character and appearance

3. No 105 Shirley Drive is a substantial detached house, set on a wide plot, forming part of a row of houses of varying types and designs. The proposed rear extension would extend directly back from the house, maintaining the existing gaps between the building and its side boundaries. The extension

would be recessed into the rising ground, at the same floor level as the existing dwelling. The hipped roof would match the shape and pitch of the existing roof structure, and its ridge would step down below the main apex. Views from the street are obscured by the topography, vegetation and neighbouring buildings, and little if anything of the proposed extension would be seen from the public realm. In all these respects, this part of the proposed development, at the rear of the house, would appear as a discreet and well-mannered addition, subservient to the original dwelling.

4. The depth of the extension would exceed that of the existing building by slightly more than half. But the local Design Guide¹ acknowledges that larger extensions of this nature may be acceptable on substantial detached properties. Furthermore, the Guide also makes it clear that this advice relating to depth is primarily concerned with matters of neighbours' amenity rather than visual appearance. The development would also include a small area of flat 'crown' roof, at ridge level, but this would be insignificant in size, and would have no material visual impact. In all material respects therefore, the proposed extension would comply with the relevant advice in the Design Guide.
5. The Council suggests that the extension would obscure the building's original form and size, but the building is not listed, nor does it lie within a conservation area. There is therefore no valid reason why these characteristics should not be allowed to change. Similarly, I can see no basis for the Council's assertion that the development would simply be too large. There is no apparent policy support for a refusal reason based on size alone.
6. I therefore conclude that the appeal scheme would cause no harm to the character or appearance of the area. In this respect it would satisfy Policy QD 14 of the City Plan².

Effects on neighbouring properties

7. In relation to No 107 Shirley Drive, the ground floor of the proposed extension, containing the new kitchen, would project beyond the rear of this adjoining property by up to about 5m. However, this part of the development would be only single storey, and would be set in from the boundary. At first floor level, the side and rear faces of this part of the extension, containing the new bedroom 4 and the ensuite to the extended bedroom 1, would be set well in, and well back, from the outer walls below. The submitted plans indicate that the '45-degree rule', as set out in the Design Guide, would be met, both horizontally and vertically. This information does not appear to be disputed.
8. No 103 Shirley Drive is set further back than Nos 107 and 105. On this side, the appeal property is closer to the boundary, and the extension would have two full storeys. However, due to the difference in the rear building lines of the properties, the development would project beyond No 103's rear wall only by a small amount. Again there is no apparent dispute that the Guide's 45-degree rule would be met here.
9. Both side boundaries are well screened, and the whole of the extension would be cut into the slope. On my visit I saw that the submitted plans do not necessarily show accurately the differences in ground levels between the

¹ Design Guide for Extensions and Alterations (supplementary planning document), adopted June 2013

² Brighton & Hove City Plan Part One, adopted March 2016

properties, but I was able to observe these, and I have taken account of this in coming to my conclusions.

10. Taking all of these matters into account, I find that the proposed development would not have an unduly overbearing effect on the outlook from either of the adjoining properties. The living conditions of neighbouring occupiers would thus be adequately safeguarded, in accordance with the relevant provisions of the Design Guide and of City Plan Policies QD14 and QD27.

Conclusions and Conditions

11. For the reasons explained above, I have found that the proposed development would not adversely affect the area's character and appearance, or the living conditions of neighbouring occupiers, and in this respect it would accord with the development plan.
12. In granting planning permission, I have imposed the conditions set out at paragraph 1 of this decision. Of these, Condition 2 is necessary to give certainty, and Condition 3 is needed to ensure a satisfactory appearance. Subject to these conditions, I allow the appeal.

J Felgate

INSPECTOR

