
Appeal Decision

Site visit made on 29 October 2018

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 16 November 2018

Appeal Ref: APP/Q1445/D/18/3208439

289 Freshfield Road, Brighton BN2 9YF

- 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 and Mrs Bob and Lindsay Collis against the decision of Brighton & Hove City Council.
 - The application, Ref. BH2018/00858, dated 16 March 2018, was refused by notice dated 21 May 2018.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposed extension on the character and appearance of the host building and its surroundings, and (ii) the effect on the living conditions for nearby occupiers in respect of their outlook.

Reasons

3. On the first issue, the Council has three concerns in terms of the design of the extension. These are that the extension would be too wide; the roof would be insufficiently set down, and that the variable width would be a contrived layout.
 4. I saw on my visit that the host dwelling forms one half of an attractive semi-detached pair with No. 291. As the pair have a pleasing balance and symmetry it is important for these aspects of the overall building not to be compromised, and to this end the Council's Supplementary Planning Document (SPD) 12: 'Design Guide for Extensions and Alterations' 2013 sets out some minimum requirements.
 5. Whilst the set back of the extension from the front elevation of 0.5m would meet the SPD requirement, the set down of just 0.15m from the ridge would be less than the minimum of 0.5m. In addition, the width of the extension's frontage, at 3.3m, would be 0.3m over the maximum width – in this case 3m which is half that of the house. Again, this is in conflict with the SPD, and whilst the differences are small I consider that they are sufficiently important harm the balance and symmetry that Nos. 289 and 291 exhibit as a pair.
 6. The Council also criticises the reduced width at the rear as a contrived design to make the most of the limited width of the side garden, and argues that a single
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width extension would be preferable in terms of design and appearance. However, whilst I see the Council's point I take the view that the rearward position of this part of the extension would reduce any adverse visual impact to an acceptable level. Had the contrivance taken the form of an angled flank wall to accommodate the extension I would have agreed with the Council on this point.

7. Nevertheless, because of the extension's inadequate set down from the ridge and its excessive width I conclude on this issue that the proposal would be harmful to the character and appearance of both the semi-detached pair and its immediate surroundings, including the street scene of Freshfield Road. This would be in conflict with Policy QD14 of the Brighton & Hove City Plan 2016 ('the Local Plan'); the Council's SPD and Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2018 ('the Framework').
8. Turning to the second issue, the effect on neighbours' outlook, at its nearest point the proposed extension would be less than a metre away from the boundary with No. 287 Freshfield Road and that dwelling only just over 4m into its site. Having regard to these modest distances; the two storey height of the extension, and the fact that No. 287 is positioned on lower ground, I consider that the Council is correct to conclude that the appeal scheme would be overbearing in the outlook from the rear windows and garden of its closest neighbour to the south. This would conflict with Local Plan Policy QD27 and Framework paragraph 127f).
9. I have had regard to the points raised in the grounds of appeal. However, I consider that the extension would read much more with the pair of Nos. 289 & 291 itself rather than the two pairs of Nos. 293 & 295, with in any event the latter's side extension appearing as more subservient than the appeal scheme. I have also agreed with the appellant as regards the absence of harm from the variable width. In respect of my conclusion on living conditions of adjoining occupiers, the Council do not allege a loss of privacy or sunlight. And in respect of an overbearing impact, whilst the Notice of Refusal refers to 'houses' in the plural as being adversely affected, the officer's report refers specifically to No. 287 by reference to its number. I agree that it is only the outlook from this house that would be harmed rather than also No. 285.
10. I have, however, carefully considered the objections from the occupiers of No. 285, but in my view that house is sufficiently far from the proposed extension not to be materially affected. Furthermore, if I had allowed the appeal I do not share the opinion that the temporary construction period would have led to insurmountable problems.
11. Overall, whilst I am not entirely in agreement with both the Council's and neighbours' objections to the appeal proposal, for the reasons explained I consider on balance that on both the main issues the harm caused would be unacceptable and in conflict with local and national policy. The appeal should therefore be dismissed.

Martin Andrews

INSPECTOR