



Appeal Decision

Site visit made on 22 January 2019

by **Philip Willmer BSc Dip Arch RIBA**

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

Decision date: 6 February 2019

Appeal Ref: APP/Q1445/W/18/3209198

Flat 1, 37 Springfield Road, Brighton, East Sussex, BN1 6EX.

- 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 Ms Kate Goodall against the decision of Brighton and Hove City Council.
 - The application Ref BH2018/00719, dated 6 March 2018, was refused by notice dated 2 July 2018.
 - The development proposed is a rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site is located in the Preston Park Conservation Area. I am required therefore to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Therefore, although not a reason for refusal, I shall nevertheless, as I am required to do, consider this as one of the main issues in this appeal.

Main Issues

3. I consider the main issues to be:
 - a) the effect of the proposed development on the living conditions of the occupiers of flat 2 at 37 Springfield Road, by reason of its potential to appear overbearing and have an overshadowing effect on the outside amenity space of that property; and,
 - b) whether the proposal would serve to preserve or enhance the character or appearance of the Conservation Area.

Reasons

Living conditions

4. Number 37 Springfield Road is a semi-detached property located in the Preston Park Conservation Area. It is divided into a number of self-contained flats and

- maisonettes. Flat 1 is a maisonette comprising accommodation at both ground and first floor level with access to a large private rear garden area.
5. The appellant proposes the construction of a single storey rear extension. It would have a pitched fascia on three sides rising to a flat roof, and topped with a lantern light.
 6. The neighbouring flat, number 2, also has direct access to an area of private amenity space immediately to the rear of the property. However, in relation to the garden of flat 1 this is a relatively small courtyard area, extending only about 4.2 metres or so beyond the rear wall of flat 1. It is enclosed on three sides by a 1.8 metre high close-boarded fence, brick wall and, at the northern end, storage buildings in the garden of flat 1.
 7. The proposed addition, which would be some 4.2 metres deep, would extend to the end of the courtyard garden of flat 2, thereby enclosing the courtyard's western boundary. The eaves height of the extension would, I understand from the evidence, be about 2.3 metres with the ridgeline of the roof being 3.0 metres or so above ground level.
 8. I agree with the Council, from my observations on site, that although the addition would not be significantly higher than the existing boundary treatment and would slope away from the common boundary, it would nevertheless reinforce the existing sense of enclosure. Further, due to the extension's design and location in the context of the size of the courtyard of flat 2 it would also, in a small but material way, appear overbearing.
 9. However, given the orientation of the properties, I am not persuaded that the proposed addition would overshadow the courtyard of flat 2 to any significant extent.
 10. I conclude in respect of the first main issue that the proposed addition, due solely to its overall height and the form of the roof, while not causing harm by reason of overshadowing, would nevertheless appear as an enclosing element that would appear overbearing. It would thus cause harm to the living conditions in these respects to the users of the courtyard of flat 2 at 37 Springfield Road. To allow it would therefore be contrary to saved Policies QD14 and QD 27 of the Brighton and Hove Local Plan 2005 (Adopted July 2005) as they relate to the protection of residential living conditions.
 11. In my opinion, and while it would be for the Council to consider any alternative proposal in the first instance, I believe that there may well be ways of modifying the design, even dropping the floor level of the extension as suggested by the appellant, to overcome the harm that I have identified.

Character and appearance of the Preston Park Conservation Area

12. The proposed addition would, I understand, be an extension of an earlier addition to the property. Nevertheless, as identified by the Council, it would not impact on the spacious characteristics of this part of Springfield Road as it would be well sited within the existing generous garden plot and would not extend beyond the sidewall of the host property. Furthermore, its design and the palette of materials proposed for its construction would not detract from the appearance of the host property.

13. For all these reasons I conclude that the proposed development would serve to preserve the character and appearance of the conservation area.

Conclusions

14. I have found that the proposal would preserve the character and appearance of the conservation area. However, it would result in unacceptable harm to the living conditions of the occupiers of flat 2. Accordingly for that reason the appeal should not succeed.

Philip Willmer

INSPECTOR

