

## Appeal Decision

Site visit made on 30 January 2019

**by C J Leigh BSc(Hons) MPhil MRTPI**

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

**Decision date: 15<sup>th</sup> February 2019**

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**Appeal Ref: APP/Q1445/W/18/3211648**

**Land to the rear of 62 & 64 Preston Road, Brighton, BN1 4QF**

- 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 Richard Little against the decision of Brighton & Hove City Council.
  - The application Ref BH2017/04186, dated 20 December 2017, was refused by notice dated 13 March 2018.
  - The development proposed is the erection of a 5 storey extension to rear of existing building incorporating excavations for basement enlargement and alterations to provide 4 flats (C3) and bin store.
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### Preliminary matters

1. The description of the proposed development differed on the Council's Decision Notice to that provided on the application form. As the former is a more accurate description of the scheme refused permission I have adopted that description.

### Decision

2. The appeal is dismissed.

### Main issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding residential area. A further consideration is the effect on living conditions of adjoining occupiers.

### Reasons

#### *Character and appearance*

4. The proposed extension would be within the rear yard of properties facing Preston Road and would see the demolition of an existing projection to the rear of No. 62 and erection of an extension over the existing three floors and roof, and a basement extension.
  5. A consideration of particular importance in this appeal is the grant of planning permission by the Council for the excavation and erection of a three storey building comprising 3 residential units (C3) with associated alterations (ref. BH2018/00854). This was in June 2018, subsequent to the refusal of the scheme the subject of this current appeal. There is a good deal of similarity
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between the two schemes, but a chief difference in relation to the first issue in this appeal is that the approved scheme does not include an extension at roof level; the appeal scheme includes what has been termed a 'pod' roof.

6. It is this addition at roof level that remains objectionable in the appeal scheme. The surrounding area sees pitched and hipped roofs, and the proposed development shows an awkward and oddly-proportioned roof form that would be incongruous with the existing Preston Road buildings and the extension beneath. The contrast between the very different roof forms would serve to create an emphasised different character between the original building and the new extension, which would not be to the benefit of the design due to the incongruous junction between the two roofs.
7. Thus, the extended building would have an unresolved and uneasy appearance, emphasizing its scale in the road, in contrast to the approved scheme that would appear as a less dominant, later addition to the Preston Road buildings. The set-back of the 'pod' from the elevations of the extension would not mitigate this harm.
8. On the main issue it is therefore concluded that the proposed development would be harmful to the character and appearance of the surrounding area, and so conflict with Policies CP12 of the Brighton & Hove City Plan 2016 and Policy QD14 of the Brighton & Hove Local Plan 2005, which seek a high standard of design in relation to both extensions to properties and to the surrounding area.

*Other considerations and conclusion*

9. The application was refused permission on the grounds of the effect on levels of light and outlook to adjoining properties, and an overbearing impact. This would be contrary to Policies QD14 and QD28 of the Local Plan, which seek to protect the amenity of residents. I have been provided with drawings for the approved scheme BH2018/00854 and there are few differences in the general mass and scale of the proposed extension, save for the 'pod' in the appeal scheme. Due to the position, set-back and height of that 'pod' I judge there would be little material difference to outlook, levels of light or overbearing between the appeal scheme and the approved scheme.
10. As a very recent planning permission which is similar to the appeal scheme, I consider BH2018/00854 has a high likelihood of implementation and so is a fallback position of significant weight. As there is no material difference between the effect on neighbours between the approved scheme and the appeal scheme, I conclude the material considerations in this appeal indicate that there is no objection to the current proposal on the grounds of harm to living conditions.
11. I acknowledge that the proposed development would provide an additional unit of accommodation within the city. However, I must balance this against other matters and, for the reasons given, I conclude that the harm arising on the first issue outweighs other considerations. The appeal is dismissed accordingly.

*C J Leigh*

INSPECTOR