

Appeal Decision

Site visit made on 20 February 2017

by **S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

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

Decision date: 24 February 2017

Appeal Ref: APP/Q1445/W/16/3162699

The Sussex Pantry, 184 Portland Road, Hove BN3 5QN

- 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 Fiaz against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/02533, dated 21 May 2016, was refused by notice dated 27 September 2016.
 - The development proposed is the erection of a ground floor single storey rear extension, to facilitate the separation of part of the rear of the existing ground floor retail premises to create a ground floor apartment.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) the effect of the proposed extension on the character and appearance of the host property and the surrounding area;
 - b) whether or not the proposed development would provide satisfactory living conditions for future occupants in relation to outlook.

Reasons

Character and appearance

3. No 184 is a two-storey property with rooms in the roof. The ground floor is operating as a café and there are residential uses on the upper floors. The proposal is to construct a single-storey rear extension to create a ground floor apartment. Other internal alterations are proposed to provide two units of accommodation on the upper floors.
 4. The property is on the corner of Portland Road with Titian Road. Its flank wall is marginally closer to the street than the prevailing building line along Titian Road. The proposed extension would occupy the full width of the existing building and the full depth of the site. However, it would be low profile, subordinate to the host property and a gap between the buildings at first floor level would be retained. This would prevent the complete enclosure of this side of the street and provide views along the rear of the properties in Portland Road. In my view these aspects of the proposal are acceptable.
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5. However, the scheme also includes a bay window that would project beyond both the flank wall of No 184 and the strong building line along Titian Road. This would result in the extension as a whole becoming more prominent in the street scene. The majority of the bay windows elsewhere in Titian Road are not comparable with the appeal proposal as they are larger, incorporate a porch over the front doors and are seen in the context of a two storey dwelling. The bay window proposed would therefore introduce an alien and incongruous feature into the street scene that would be at odds with the features that characterise the remainder of the street.
6. The front gardens on the eastern side of Titian Road and No 184 are enclosed by low brick walls. This ensures that the street retains an open appearance. The proposed boundary would include a dwarf brick wall, but would also have a timber panelled fence above it, which would be approximately 1.9m tall. This would be out of keeping with the appearance of the remainder of the street. I note that on the opposite side of Titian Road an extension has been added to No 182. However, although that commercial extension has been built to the edge of the footway it does not project beyond the prevailing building line of the houses on the western side of Titan Road. I therefore do not consider it to be comparable with the appeal proposal.
7. I conclude that the proposed extension would be harmful to the character and appearance of the host property and the surrounding area. It would be contrary to Policy CP12 of the Brighton & Hove City Plan Part 1 and saved Policy QD14 of the Brighton & Hove Local Plan. These policies expect new development to raise the standard of architecture and design and ensure that extensions respect their setting.

Living conditions

8. The ground floor flat would have two windows on the southern elevation which would look out onto the small gap between No 184 and No 37. The outlook from the both windows would be restricted, as they would directly face the flank wall of No 37, which would be not much more than 1m away. As the second bedroom is only served by a single window and a rooflight, in my view the sense of enclosure would be acute.
9. The remaining windows in the western elevation of the flat would look out on the small area that would be enclosed by the proposed dwarf brick wall and wooden fence. Even the oblique views from the side sections of the bay window would only look out on the enclosed courtyard. The lack of outlook would make the flat feel very enclosed, resulting in a poor standard of accommodation for future occupants.
10. I accept that the proposal would provide adequate internal space, sufficient levels of light and ventilation and include an area of private amenity space within the enclosed courtyard. However, these positive aspects of the scheme are insufficient to set aside my concerns about the lack of outlook from the flat's primary habitable rooms.
11. I conclude that the proposed extension would result in unsatisfactory living conditions for future residents, arising from inadequate outlook. It would therefore be contrary to saved Policy QD27 of the Local Plan which seeks to protect the amenity of existing and future residents of new development.

Conclusions

12. The Government is seeking to significantly boost the supply of housing and requires applications for housing development to be considered in the context of the presumption in favour of sustainable development. The appeal site is in a sustainable location within the built-up area of Hove and there is therefore no objection in principle to provision of residential development.
13. In economic terms, the proposal would not affect the operation of the existing business and would provide short-term, limited employment opportunities during construction. These are matters to which I give moderate weight. Although the scheme would generate New Homes Bonus (NHB) for the Council financial matters such as these carry little weight in the planning balance.
14. There would be limited social benefits from the provision of an additional unit of accommodation which would not adversely affect the amenity of neighbours. I also acknowledge that the scheme would be acceptable in transport terms and there were no objections from local residents.
15. However, none of these factors diminish the harm which would arise from the provision of unsatisfactory living conditions for future occupants and the adverse effects of the scheme on the character and appearance of the area. These are matters to which I attach significant weight and outweigh the limited benefits that would accrue from the provision of an additional dwelling.
16. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR

