



Appeal Decision

Site visit made on 16 October 2017

by **Nicola Davies BA DipTP MRTPI**

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

Decision date: 26 October 2017

Appeal Ref: APP/Q1445/W/17/3173921

31 Selborne Road, Hove BN3 3AL

- 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 Hardwick Hartley Partnership against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/05845, dated 20 October 2016, was refused by notice dated 14 March 2017.
 - The development proposed is described as a "single storey rear extension to provide dining/garden room to existing lower ground floor studio flat".
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension to provide dining/garden room to existing lower ground floor studio flat at 31 Selborne Road, Hove BN3 3AL in accordance with the terms of the application, Ref BH2016/05845, dated 20 October 2016, subject to the following conditions: -
 - (a) The development hereby permitted shall begin no later than three years from the date of this decision.
 - (b) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 599/03A and 599/07.
 - (c) The materials to be used for the external surfaces of the proposed development hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues raised in respect of the proposed development are the effect on the character and appearance of the existing building and the area and the living conditions of the occupiers of the rear basement flat.

Reasons

Character and appearance

3. I observed that there are a number of two-storey extensions to the rear of the buildings in close proximity to the appeal site, including a two storey extension at the adjacent property, No 29 Selborne Road (No 29). That neighbouring extension projects a short distance beyond the side elevation of the original building. In comparison, the proposed extension would be single storey but it

- would be of a similar length to that of the extension at No 29 and would also project a short distance beyond the side elevation of the original building.
4. The proposed extension would be positioned adjacent to the existing three storey rear bay window feature. That said, I observed that other existing rear extensions close by have also been constructed close to their rear bay features, including that of No 29. Whilst I accept the proposed extension would, to some extent, visually compete with the bay, this would only take place at lower ground floor level.
 5. The Council is concerned that the proposed extension would be excessively long compared to the depth of the original building. However, I do not consider it would be visually out of keeping with the context of the area that hosts large rear extensions in much the same position and relationship to their original buildings as that proposed here. I therefore cannot conclude that the extension would be overly prominent or of unsympathetic scale and siting taking into consideration the greater visual impact of other extensions to the buildings in the area.
 6. The proposal falls within the designated Willett Estate Conservation Area (WECA). In accordance with paragraph 132 of the National Planning Policy Framework (the Framework) I must give great weight to the assets conservation. The Council has not explained how the proposed extension would impact this designated asset. However, for those reasons set out above, I consider the proposed extension would not have a significant effect and would preserve the character and appearance of the WECA.
 7. Overall, I conclude that the proposed development would not harm the character and appearance of the existing building and the area. For the reasons given, the proposed development would not materially conflict with Policy CP15 of the City Plan Part One and Policy QD14 of the Brighton and Hove Local Plan. These policies seek to conserve and enhance the city's historic environment and to ensure that extensions are well designed in relation to the property to be extended, adjoining properties and to the surrounding area, amongst other matters.
 8. I acknowledge that the proposed extension would not conform strictly to all of the guidance set out within Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12) 2013. However, my considerations in this case take into regard the particular circumstances of the appeal site and the context of surrounding existing development.

Living conditions

9. I acknowledge that the rear extension would be visible in outlook from the main living space within the host studio flat, and in particular in outlook from the southern splayed window in the bay. Nonetheless, the fully glazed patio style doors in the western elevation of the bay and, to some extent, the easterly splayed bay window, would provide outlook toward the good sized rear garden and patio. Whilst the extension would be noticeable in outlook to the occupiers of this flat, it would not, in my opinion, be so visually prominent or intrusive given its single storey height. I accept that daylight would be reduced to the southern splayed window in the bay but I consider the glazed doors and easterly splayed bay window would ensure adequate daylight to the internal living space.

10. I am therefore not persuaded, on the basis of the evidence before me that harm to the living conditions of the occupiers of the rear basement flat would occur as a result of the proposed extension. For the reasons given, the proposed development would not materially conflict with Policy QD27 of the Brighton and Hove Local Plan that seeks to protect the amenity of existing residents and/or occupiers, amongst other matters.

Other Matters

11. Local concern has been raised to the proposal. No new windows would be created in the southern elevation of the existing building or the new extension that would create overlooking toward the adjoining property. Given the limited height of the proposed extension and its relationship with adjoining residential properties the effect upon daylight reaching neighbouring properties would not be significant, in my judgement.
12. I have also considered the concerns raised in respect of parking in the area. I note that the Council did not raise parking as an issue. In any event the proposal relates to an extension to an existing studio flat and I do not consider this would lead to a significant increase in parking demand.
13. In reaching my decision, I have also taken into account potential damage to adjoining properties, problems relating to rubbish and property values. There is no substantive evidence before me that would indicate damage to other properties would occur or that problems relating to refuse would take place.
14. None of these matters alter my conclusion that the appeal should be allowed.

Conditions

15. I have considered what planning conditions would be appropriate in light of paragraph 206 of the Framework and the advice in the Planning Policy Guidance. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. A condition relating to materials is appropriate in the interests of the character and appearance of the area.
16. The Council has suggested a condition requiring the windows in the north elevation of the extension to be obscure glazed and non-opening to safeguard the privacy of the adjoining occupiers. The Council's officer report indicates that the concern relates to views toward the windows in the southern flank wall of the rear extension at No 35 Selbourne Road. However, given the separation between that extension and the proposed development, I do not consider the extent of observation from the proposed extension would cause substantial harm to the living conditions of the occupiers of that property.

Conclusions

17. For the reasons given above, I conclude that the appeal should be allowed.

Nicola Davies

INSPECTOR

