



Appeal Decision

Site visit made on 17 October 2017

by **N A Holdsworth MCD MRTPI**

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

Decision date: 8th November 2017

Appeal Ref: **APP/Q1445/D/17/3177105** **176 Surrenden Road, Brighton, BN1 6NN**

- 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 Edward Hinds against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00289, dated 26 January 2017, was refused by notice dated 23 March 2017
 - The development proposed is erection of a two storey detached out building with rooflights to replace existing single storey workshop.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey detached out building with rooflights to replace existing single storey workshop at 176 Surrenden Road, Brighton, BN1 6NN in accordance with the terms of the application, Ref BH2017/00289, dated 26 January 2017, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 213 S01, 213 S02, 213 D03, 213 D04, 213 D10.

Procedural Matter

2. The Council changed the description of development from "Rebuilding of existing DIY workshop with new piano room over" to "Erection of two storey detached out building with rooflights to replace existing single storey workshop". The latter is also the description used by the appellant on the appeal form. It is a more accurate description of development, and I have used it in this decision.

Main Issue

3. The effect on the proposed development on the character and appearance of the area.

Reasons

4. No.176 forms part of a group of principally detached properties with large gardens located along Surrenden Road, bounded by a track to the rear that

- also provides a secondary access point. Within the gardens of these buildings there are a variety of out buildings, of various bulk and building styles, many of which incorporate pitched roofs.
5. The building would replace an existing garage with a flat roof. The footprint of the replacement building would be around one metre wider than the existing building. In my opinion the increase in building footprint would not be significant given the size of the residual garden area.
 6. Whilst the proposed structure would be taller than many of the other out buildings found within the surrounding gardens, it would be built in to the falling topography of the land. This would effectively disguise its bulk in relation to the main dwelling when viewed from the surrounding properties and the track. In consequence, it would not appear to rise significantly beyond the ground floor of the main building, with the ridge of the pitched roof rising to the cill level of the first floor windows. The structure would be set back from the southern boundary of the site, and would face on to another out building associated with the neighbouring property to the west. As such, the bulk of the building would integrate well with its garden setting. It would not appear unduly prominent in relation to the host building or the neighbouring properties from surrounding viewpoints.
 7. The building would be visible from the immediate neighbouring residential building, and also from the dwellings to the south on Surrenden Park and the access track to the immediate rear of the garden. However, the external appearance of this building would not depart significantly from the appearance of other garden out buildings that I observed in the surrounding area. Windows, doors and rooflights are not unusual features on garden out buildings. The arrangement of windows and doors on the proposed building appear to be consistent with the need to provide access to the accommodation and natural light to the rooms.
 8. The Council maintain that the scale and form of the building is beyond what one would reasonably expect for an ancillary out building. However, the intended purpose of the building is as a DIY workshop and music room, which are activities that are consistent with the existing residential use of No 176. As such, concern that it may be used as an independent residential dwelling in the future is of no relevance to the determination of this appeal. The proposal must be considered on its merits.
 9. The proposal would not comprise a cramped overdevelopment of the site and would not diminish the open character of the garden area. Whilst it would be visible from neighbouring properties and the track to the rear, it would appear subservient to the host building and its immediate surroundings. In consequence, it would not result in harm to the character and appearance of the area. There is no conflict with saved policies CP12 and QD14 of the Brighton and Hove Local Plan 2005 which, amongst other things, seeks to ensure that the new development is appropriately designed, sited and detailed in relation to adjoining properties and the surrounding area.
 10. The proposal would also comply with the provisions of Supplementary Planning Document 12 "*Design guide for extensions and alterations*" (2013), which requires that outbuildings are appropriately sited and scaled, and set behind the front building line of the buildings with which they are associated.

Other Matters

11. It is clear from the appellants statement that the proposal relates to an ancillary out building associated with the existing residential use of the host building. Any noise arising from the use of the proposed building would therefore be consistent with an ancillary residential use being carried out within a private garden area. In these circumstances it would not be reasonable to use planning conditions to control or manage noise arising from the use of the proposed building.

Conclusion

12. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be allowed subject to conditions necessary to ensure compliance with the relevant statutory requirements [1] and in the interests of certainty [2].

Neil Holdsworth

INSPECTOR

