
Appeal Decision

Site visit made on 6 October 2016

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 27 October 2016

Appeal Ref: APP/Q1445/D/16/3156268

17 Denmark Villas, Hove BN3 3TD

- 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 Michael Cook against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/01646, dated 8 May 2016, was refused by notice dated 18 July 2016.
 - The development proposed is rear extension single storey.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development has been completed and the extension is in use such that I was able to view it when I visited and I have taken this into account in coming to my decision.
3. The decision notice refers to the effect of the development on 12 Denmark Villas, but it is clear from the information in front of me that should have been 15 Denmark Villas and I have considered the appeal on that basis.

Main Issues

4. The main issues are:
 - the effect of the proposed extension on the living conditions of neighbouring occupiers at 15 Denmark Villas with particular regard to privacy and outlook; and
 - whether the proposed extension would preserve or enhance the character or appearance of Denmark Villas Conservation Area.

Reasons

Living conditions

5. The proposed extension is close to the boundary with the neighbouring property at 15 Denmark Villas. Most of the side elevation is a solid brick wall, with windows toward the top that face toward the rear garden of that property. A decked area is located to the rear of no. 15 that may be used as the main outside seating area, where the living conditions of neighbouring occupiers
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- would be most affected by development close to the boundary. To the opposite side of the decked area and extending a similar distance from the rear of no. 15 there is a single storey flat roofed extension to that property.
6. The extension provides a deep and tall wall to the side, with small gap to the existing boundary wall. The height and depth of the side wall is substantial and dominates the decked area immediately to the rear of the neighbouring property and their patio doors that are close to the boundary. The high level side windows assist in breaking up the side elevation, but do not overcome the harmful effect of the extension on the living conditions of neighbouring occupiers caused by the height and depth of that side wall.
 7. I understand the previous conservatory comprised a solid wall closest to the boundary with no. 15 with a glazed gable roof above of similar depth to the extension. The height of that previous side wall is unclear from the evidence in front of me, although the photographs indicate that the eaves were lower than the flat roof of the extension subject of this appeal, albeit that the ridge was likely to have been higher. This uncertainty limits the amount of weight that I am able to give to the effect of the previous conservatory on neighbouring occupiers.
 8. I accept that the windows in the side elevation may give the impression of overlooking into the neighbouring garden. However, these windows are located above eye level within the building, such that it is not possible to see into the neighbouring garden from the extension, although obscure glazing could further reduce any perception of overlooking.
 9. For these reasons, I conclude that the extension causes harm to the outlook of occupiers of the neighbouring property at 15 Denmark Villas, although does not harm their privacy. As such, the development complies with Policy QD27 of the Brighton & Hove Local Plan (LP) that seeks to protect the living conditions of neighbouring occupiers.

Character and appearance

10. Denmark Villas Conservation Area consists primarily of semi-detached Victorian villas of similar character and appearance. A number of these dwellings have extensions to the rear, some of which are conservatories. I understand that 17 Denmark Villas had, until recently, a large mock gothic timber conservatory attached to the rear in the position of the extension.
11. That earlier conservatory has been replaced with an extension of simple design constructed primarily of reclaimed yellow brick that reflects the design and materials of the house. The frames to the windows and skylight are made of uPVC, the windows located along much of the two elevations facing the garden and top part of the wall facing toward 15 Denmark Villas.
12. I accept that the uPVC used on the windows and skylight does not reflect the timber used on the windows in the remainder of the dwelling. However, the design matches as closely as possible that of the timber windows and uPVC is used on conservatories elsewhere in Denmark Villas. In addition, the extension is visible in only limited views, the only public view being from Eaton Villas through the planting surrounding the garden of no. 15.
13. For these reasons, I conclude that the extension preserves the character and appearance of Denmark Villas Conservation Area. As such, the development

complies with Policies QD14, QD27 and HE6 of the LP and Policy CP15 of the Brighton & Hove City Plan that seek to ensure that extensions and alterations to dwellings are well designed, taking account of the space around buildings and character of the surrounding area and preserve or enhance the character and appearance of conservation areas.

Other matters

14. I accept that the appellant may have been unaware that planning permission was required for the development prior to starting work. I note the condition of the previous conservatory that was deteriorating such that it required replacing and the use of uPVC is more energy efficient and less likely to degrade than timber in coastal weather conditions. However, none of these matters outweighs the harm I have found to the living conditions of neighbouring occupiers.

Conclusion

15. While I have found that the proposal would preserve the character and appearance of the Denmark Villas Conservation Area, that is not sufficient to outweigh the harmful effect the works would have on the living conditions of neighbouring occupiers at 15 Denmark Villas. As such, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR