

Appeal Decision

Site visit made on 21 March 2017

by John D Allan BA(Hons) BTP MRTPI

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

Decision date: 3rd April 2017

Appeal Ref: APP/Q1445/D/17/3166809

29 Sussex Terrace, Brighton, BN2 9QJ

- 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 R Novis against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/05420, dated 25 September 2016, was refused by notice dated 2 December 2016.
 - The development proposed is the erection of a rear conservatory.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on the character and appearance of the area, and upon the living conditions of neighbouring occupiers.

Reasons

3. The appeal property is a mid-terraced dwelling with a semi-basement facing forward towards Sussex Terrace and, in common with both neighbouring properties, with a full three-storey elevation to the rear. The original loft space has been converted to living accommodation with a large box dormer added to the rear roof slope. There is a three-storey, flat roof addition to the rear that adjoins the site's common side boundary with No 28 and which is pulled away from the opposing side boundary by roughly 1.5m. Beyond this is a further single-storey addition with a flat roof terrace above that is accessed directly from the kitchen. This extension is set slightly away from the boundary with No 28 and about just under 1m away from the opposing boundary with No 30. The proposal is to cover the entire terrace area with a conservatory extension.
 4. The rear elevations to the properties along Sussex Terrace have all been modified in a variety of ways, including most with multi-storied rear additions. I saw little rhythm or uniformity to the appearance of the terrace from the rear. Furthermore, the rear boundaries to these properties are heavily screened by a high retaining wall enclosure such that the backs of these properties are out of
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sight from beyond the dwellings' curtilages. As such, I am satisfied that the proposal would not impact upon the wider character or appearance of the area.

5. Nevertheless, by my estimate the conservatory would project around 7m beyond the original rear wall of the house at its deepest point. This would far exceed the depth of any additions I was able to clearly see above ground floor level to the rear of nearby properties. From both neighbouring gardens it would be effectively seen as a first floor addition. It would leapfrog beyond an existing extension and would appear in an elevated position, particularly in the outlook from the nearest ground and first floor windows to the rear of No 30. At this depth and height I am unable to share the appellant's view that the conservatory would appear as a natural adjunct. Instead I find that it would be incongruous and poorly related to the existing form of the dwelling, and overly dominant in its setting when viewed from both neighbouring properties.
6. The proposal is to build the conservatory with a solid flank wall facing No 28. The appellant has suggested that the glazed elevations facing No 30 could be obscurely glazed and I am satisfied that this could reasonably be secured through the imposition of an appropriately worded planning condition. In these circumstances any potential adverse impact upon levels of privacy to both adjoining properties could be averted.
7. My findings overall however are that the proposal would be seen as a visually intrusive and unneighbourly addition that would harm the residential amenity enjoyed by the adjoining occupiers. In this regard it would directly conflict with Policy QD14 *Extensions and alterations* of the Brighton & Hove Local Plan 2005 (LP), insofar as it seeks: a) to ensure that such development is well designed, sited and detailed in relation to the property to be extended and adjoining properties; and b) that it would not result in loss of amenity to neighbouring properties. It would also conflict with the aims and objectives of LP Policy QD27 *Protection of amenity*.

Conclusion

8. Notwithstanding my findings in relation to the impact of the proposal upon the wider character and appearance of the area, I conclude that by reason of its depth, height, and incongruous form, the conservatory would harm the living conditions of neighbouring occupiers. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR