The Planning Inspectorate

Appeal Decision

Site visit made on 20 April 2017

by C J Leigh BSc(Hons) MPhil MRTPI

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

Decision date: 12 May 2017

Appeal Ref: APP/Q1445/D/17/3168373
63 Berriedale Avenue, Hove, BN3 4JG

- 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 & Mrs Laux against the decision of Brighton & Hove City Council.
- The application Ref BH2016/00582, dated 10 February 2016, was refused by notice dated 1 December 2016.
- The development proposed is the erection of a single storey side extension.

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the living conditions of adjoining occupiers.

Reasons

3. The appeal property is one half of a pair of semi-detached houses, which are both L-shaped in plan. There is a drop in ground levels at the rear of the properties, with raised decking immediately adjoining the houses. The proposed extension would fill in an area at the rear of No. 63 adjoining the two storey 'outrigger', and so also adjoin the rear amenity area of No. 61 and be close to the living room and kitchen windows of that property.

4. I viewed the location of the proposed rear extension from No. 61 at my site visit and I share the concerns of the local planning authority and the neighbours as to the effect on their outlook and levels of light. The extension would be 2.8m higher than the decking/amenity area to No. 61, and 3.6m above garden level, and it would be 4m deep. This would create a bulky addition that would have a very dominant effect when seen from both the living room and kitchen windows to No. 61, seriously reducing the quality of the outlook from those rooms, and likely levels of light. The depth and height of the rear extension would also appear overbearing to the amenity space at the neighbour.

5. The Council's Supplementary Planning Document (SPD): Design Guide for Extensions and Alterations (2013) sets out general principles for design, which includes that '*particular consideration will be had to the impact of an extension*

on light and outlook to the principal windows within neighbouring buildings, and to the private amenity areas directly to the rear of neighbouring properties' (section 2.1). This reflects Policies QD14 and QD27 of the Brighton & Hove Local Plan, which state planning permission will not be granted for development that causes loss of amenity to neighbouring properties. Further specific advice is given in the SPD in relation to 'infill extensions', and it is evident to me from my site visit that the proposed extension would not satisfy the principles set out for such development, due to the overbearing impact and excessive height of the extension. The appellants have referred me to the '45 degree rule' at Appendix B of the SPD, but consideration of that matter does not outweigh what in my judgement is a clear conflict with the general principles of the SPD, and with the policies of the Local Plan, arising from the depth and height of the proposed extension.

6. The proposals would therefore be contrary to the Local Plan and the SPD. Whilst the design of the extension would not be intrusive to the character of the wider area, and whilst I also acknowledge there would be some screening from the existing first floor rear balcony, those matters would not outweigh this conflict. The appeal is dismissed accordingly.

C J Leigh

INSPECTOR