

Appeal Decision

Site visit made on 13 July 2017

by D Cramond BSc MRTPI

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

Decision date: 31 July 2017

Appeal Ref: APP/Q1445/D/17/3175813
167 Waldegrave Road, Brighton, BN1 6GJ

- 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 Perry Anderson against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/06531, dated 18 December 2016, was refused by notice dated 21 March 2017.
 - The development proposed is the erection of single storey rear infill extension with associated alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I use the Council's description of development which is more precise than the application form; I note the Appellant uses this description on the appeal form.

Main Issue

3. The main issue is the effect of the proposal on living conditions for neighbours.

Reasons

Living conditions

4. The appeal property is an attractive mid terraced two storey dwelling with a semi-detached single and two storey outrigger projecting rearwards across about two thirds of the width of the home. It lies in an established residential area characterised by dwellings of a similar nature leading to a locality of pleasing appearance. The proposal is for a single storey extension with a mono-pitched glazed roof between the side of the outrigger and across to the shared boundary with the dwelling to the south (No 165). The scheme embodies a wall on the shared boundary of about 7 metres in length and around 2.4m in height. There is presently a mid-height party wall which does not offer full privacy between the pertinent parts of these two properties.
 5. The Council argues that the scheme would be over-bearing and is concerned with loss of light and outlook and an increased sense of enclosure. On the question of light I would agree with Appellant's dismissal of this point, not least because of the properties' relative orientations. I can also see that loss of outlook might be marginal given existing structures and window dispositions albeit I would caution against using the 45 degree test over-zealously in every
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situation. However I consider that there would be an uncomfortable scale and nature of 'corridor' effect created which would be most unsettling in terms a feeling of enclosure created and the over-bearing sense of unduly proximate built form one would experience both from within the neighbouring property at its relevant fenestration and from its open area alongside. The reason for this, to my mind, is simply that at this height the new side wall, by running all the way along to the end of the existing single storey element of the outrigger, rather than a point further back, would be too long. The new vertical edifice would be too extensive to be a suitably neighbourly proposition.

6. The Brighton and Hove Local Plan includes Saved Policies QD14 and QD27 which, amongst other matters, seek to ensure that development would not unduly impact upon residential amenity. This is reflected in the advice and objectives of the Council's SPD12 Design Guide for Extensions and Alterations publication albeit that document is *guidance* and cannot be expected to cover every eventuality. Given the nature of the scheme I conclude that the proposal would conflict with the relevant development plan policies and the pertinent aims of the SPD.

Other matters

7. I understand the wish of the Appellant to increase internal space and I can see that other single side extensions exist locally albeit I do not know their full planning pedigree. I can see that there would be no harm to character and appearance of the area and I have had due regard to the duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 given the site lies within the Preston Park Conservation Area. It is appreciated that the neighbours have not raised objections although I have to consider the residential amenity inherent in neighbouring properties for the long term. I recognise that given the existing party wall height and arrangement of windows there would be some gains in mutual privacy. I note the arguments put that the proposal should be defined as sustainable development and certainly there are some benefits to be weighed accordingly. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
8. I confirm that policies in the National Planning Policy Framework have been considered and the development plan policies which I cite mirror relevant objectives within that document.

Overall conclusion

9. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on living conditions for neighbours. Accordingly the appeal is dismissed.

D Cramond

INSPECTOR