

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/17/3175525

11 Bates Road, Brighton, BN1 6PF

- 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 M Bond against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/06521, dated 19 December 2016, was refused by notice dated 21 March 2017.
 - The development proposed is a ground floor rear and side extension.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

Living conditions

3. The appeal property is a mid terraced two storey dwelling with roof accommodation and with a semi-detached 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.
 4. 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 east (No 13) and continuing beyond the two storey outrigger to 'turn the corner' and run across its rear providing a projecting single storey element and removing a deeper narrower conservatory. The scheme embodies a wall on the shared boundary of about 6 metres in length and around 2.4m in height. There presently is a mid-height party garden wall along the relevant part of the shared rear side boundary; this is over-represented height-wise in the submitted drawings.
 5. The Council argues that the scheme would be over-bearing and is concerned with loss of light and outlook and increased overshadowing and sense of enclosure. I would, however, say that because of mutual positioning, existing structures and orientation, direct loss of light and overshadowing would not arise to an undue degree. I would also assess that loss of outlook, certainly upper-wards would be likely to be marginal given existing structures and window dispositions. There would be some gains in privacy. However I
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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 of some 6 metres rather than stopping at 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 sympathise with the wishes of the Appellants to increase internal space. I can see that there would be no harm to character and appearance of the area including the nearby Preston Park Conservation Area.
8. I appreciate that a key part of the argument put for allowing the appeal scheme is the 'precedent' of a relatively recent extant approval (Ref BH2016/02793) for a virtually identical scheme at the other side of the semi-detached outrigger on the adjoining property (No 9) to the west. The Council permitted that having deemed it would not unduly harm residential amenity. The Council's explanation which has been given to the Appellants of why the two extensions were handled differently is not coherent in my opinion. Nevertheless I have to determine the scheme before me on its own merits and in my assessment it would not be right to use the permitted scheme as a benchmark for this development given my conclusions on the residential amenity issue. I regret that this may seem harsh to the Appellants but in my assessment it would be improper for me to allow the appeal scheme against my better judgement only because the Council, for whatever reason, has permitted development at No 9.
9. In terms of other examples of extensions drawn to my attention I find that none are directly comparable in context, scale or design and are not precedents when I am solely determining this proposal. I appreciate that there might be a degree of 'fall back' through permitted development but I have little evidence of likely implementation of this and, again, I have to determine the plans before and the amenity impact associated therewith.
10. I have carefully considered all the points raised by the Appellants but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
11. 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

12. 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