

# Appeal Decision

Site visit made on 30 August 2017

**by Elizabeth Lawrence BTP MRTPI**

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

**Decision date: 6<sup>th</sup> September 2017**

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**Appeal Ref: APP/Q1445/D/17/3177153**

**23 Tredcroft Road, Hove, BN3 6UH**

- 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 Robert Mercer against the decision of Brighton & Hove City Council.
  - The application Ref BH2017/01049, dated 24 March 2017, was refused by notice dated 31 May 2017.
  - The development proposed is for a first floor roof extension with associated alterations.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the scheme on the living conditions of the occupiers of 8 Benett Drive (No.8), with particular regard to visual impact, daylight and sunlight.

## Reasons

3. The Appeal site is located within an established suburban residential area which is characterised by detached bungalows and dormer bungalows situated on land which rises steeply to the north. The Appeal property comprises a dormer bungalow with a fully hipped roof. It has a projecting wing with a pitched roof to the front and a full width, flat roofed extension to the rear, both of which run adjacent to the boundary with No.8.
  4. Policy QD27 of the Brighton and Hove Local Plan 2005 (Local Plan) aims to ensure that new development does not cause material nuisance and loss of amenity to the occupiers of adjacent dwellings. The National Planning Policy Framework (NPPF) seeks to secure high quality design and a good standard of amenity for all existing and future occupiers of land and buildings.
  5. No.8 is a corner property which fronts both Tredcroft Road and Benett Drive and has a series of modest sized terraced private gardens to the southwest and west. This includes a small lower sitting out area situated between the dwelling at No.8 and the Appeal dwelling. The dwelling at No.8 has a number of windows and a glazed door which face the Appeal site and which serve the dwelling's study, kitchen and dining room/lounge.
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6. The roof of the existing dwelling on the Appeal site is dominant in views from the study and clearly results in some loss of sunlight. Conversely in views from the kitchen and dining room windows the existing roof is plainly evident, but not over-dominant. Also, the existing roof of the Appeal dwelling does not result in a material loss of daylight or sunlight within those rooms.
7. Whilst the proposed extension would not be as deep as the previously refused scheme, it would nonetheless dominate the outlook from the kitchen and the dining area windows. The associated loss of sunlight would add to its overbearing visual impact. At the same time the proposed roof extension would totally dominate and add further to the level of overshadowing within the recessed paved garden area between the two houses. As a consequence it would be visually overbearing and would unacceptably detract from the quality of the garden area.
8. Regarding privacy, the steeply sloping topography results in a material level of inter-looking between properties. Whilst the proposal would improve privacy levels within the rear garden of the Appeal property, the proposed extension would result in some loss of privacy for the occupiers of the dwellings to the west and south. This could be minimised through the imposition of conditions which require some of the windows to be obscure glazed and to have restricted opening. As such this does not add to my concerns regarding the proposal.
9. Overall, the visual harm that would be caused to the living conditions of the occupiers of No.8 would outweigh the benefits for the Appellant and his family that would result from the increased living space. In addition, this is not a matter that could be adequately dealt with by condition.
10. I conclude that the proposed extension would unacceptably harm the living conditions of the occupiers of 8 Benett Drive due to its overbearing visual impact and associated loss of daylight and sunlight. Accordingly the proposal would conflict with policy QD27 of the Local Plan and the NPPF.

*Elizabeth Lawrence*

INSPECTOR