



Appeal Decision

Site visit made on 21 August 2017

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

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

Decision date: 6th September 2017

Appeal Ref: APP/Q1445/D/17/3174967

34 Hillside, Brighton BN2 4TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2: Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mrs Sanjana Kaura against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/00434, dated 25 January 2017, was refused by notice dated 9 March 2017.
 - The development proposed is a flat roofed rear extension to the existing two storey dwelling.
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Decision

1. The appeal is allowed and prior approval is granted under the provision of Article 3 and Schedule 2: Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a flat roofed rear extension to the existing two storey dwelling at 34 Hillside, Brighton BN2 4TA, in accordance with the details submitted pursuant to Article 3 and Schedule 2, Part 1, Paragraph A4(2) of the GPDO.

Procedural Matter

2. The GPDO states that an extension which projects between 3m and 6m beyond the rear wall of the original dwellinghouse is permitted development. However, this is subject to the conditions of Paragraph A.4 of the GPDO which requires the local planning authority to notify adjoining owners or occupiers of the proposal.
3. Where any owner or occupier of the adjoining premises objects to the proposal then prior approval is required. The GPDO requires the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of all adjoining premises, taking into account any representations received. I have determined the appeal in the same manner.

Main Issue

4. The main issue is effect of the proposed extension on the living conditions of the adjoining occupiers.

Reasons

5. No 34 is a semi-detached properties set in a well-proportioned plot. It is paired with No 36. Approval is sought for a flat-roofed single storey extension which

would project 5m from the rear elevation of the existing dwelling. The extension would provide two additional bedrooms so that the house could accommodate up to six students.

6. The Council received objections from occupants of two properties in The Avenue who share a common boundary with No 34. They were primarily concerned with the use of the enlarged dwelling as a House in Multiple Occupation (HMO) by students. The house is currently used to accommodate four students and neighbours appear to have experienced noise and disturbance as a consequence. However, there was no substantive evidence to indicate the extent or frequency of these problems. I am therefore not persuaded that two additional occupants at No 34 would result in an increase in noise and disturbance that would be materially harmful to the amenity of the neighbours.
7. When the need for prior approval is triggered by a relevant representation, the effects of the proposal on the amenity of all the adjoining premises can be taken into consideration, even those who did not make representations. In this case the Council were concerned that the proposal would appear overbearing from No 36, even in the absence of an objection from the occupants.
8. There is currently a concrete patio at the rear which projects further than 5m from the house. Beyond the patio steps lead down to the remainder of the garden which is on land that falls away towards the rear boundaries on Nos 29 and 31 The Avenue. No 36 has a window that is close to the shared boundary with No 34. The outlook from this window is already restricted by extensive vegetation and semi-mature trees growing along and close to the boundary fence. However, there is an open outlook over the remainder of the garden which widens out a little towards the rear of the plot. In this context, I consider that a flat roofed extension of the height and depth proposed would not appear overbearing for the occupants of No 36.

Conclusion and Conditions

9. For the reasons set out above I conclude that the proposal would not give rise to material harm to the amenity of any adjoining occupiers. The appeal should therefore be allowed and prior approval granted.
10. The planning permission granted for the extension under Article 3 and Schedule 1, Part 1, Class A is subject to the following conditions: A.4(13), (14) and (15) which specify that the development shall be completed on or before 30th May 2019, that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion, and such notification shall include the name of the developer; the address or location of the development, and the date of completion.

Sheila Holden

INSPECTOR