
Appeal Decision

Site visit made on 17 October 2017

by N A Holdsworth MCD MRTPI

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

Decision date: 2nd November 2017

Appeal Ref: APP/Q1445/D/17/3181071

19 Shirley Drive, Hove, BN3 6NQ

- 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 Paul Sherman against the decision of Brighton & Hove City Council.
 - The application Ref BH2017/01223, dated 5 April 2017, was refused by notice dated 30 May 2017.
 - The development proposed is First floor extension over existing garage. New Porches to front and rear/side elevation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effect of the development on
 - i) the character and appearance of the area; and
 - ii) the living conditions of occupants of existing residential buildings, with particular regard to whether an unacceptable loss of light would occur to no. 21 Shirley Drive.

Reasons

Character and Appearance.

3. The appeal building forms part of a group of large residential buildings facing Shirley Drive. The properties differ in their appearance and design, however they follow a fairly consistent building line being set back from the road behind large front garden areas.
4. At present there is a gap between the existing garage of the appeal building and the boundary with no.21 Shirley Drive ("no.21"). A similar gap exists between the boundary and the south facing elevation of no.21. This broadly symmetrical gap provides a strong setting for both buildings when viewed from the surrounding area.
5. The proposed first floor extension would be built on top of the existing single storey garage and would oversail the existing gap, bringing the extension to within around 0.3 m of the boundary of no.21. As such, the symmetry between the two buildings and the common boundary would be lost. In consequence, the extended building would appear dominant in relation to no.21 when viewed

from the front gardens of both properties and the road, diminishing the setting of the neighbouring building. I therefore consider that the development would result in an unacceptable loss of visual space between buildings, and would appear cramped in its immediate setting.

6. Whilst existing vegetation screens the two buildings from the road, this is susceptible to change over the lifetime of the development. It could not therefore be relied upon as a way of mitigating the harmful effects of the development in views from the surrounding area.
7. Notwithstanding the harm arising from the proximity of the extension close to the boundary with no.21 identified above, I consider the extensions would otherwise be acceptable in terms of their effect on the character and appearance of the host building. Because of its setback from the front elevation and materials used, the extension would be sufficiently differentiated from and subservient to the original building. The extensions would generally follow the established building line, and would not exceed the height of the host building. The extended building would exhibit a variety of roof forms, however none of the alterations proposed would depart substantially from the prevailing appearance of buildings found in the surrounding area. The extended building would appear as a large detached building which would in my view have a coherent and acceptable appearance in its own right.
8. The appellant contends that the proposals comply with the design principles for such extensions set out in Supplementary Planning Document 12 "*Design guide for extensions and alterations*" adopted 20 June 2013, and I have taken in to account the points raised in this regard. However, the harm I have identified relates to the specific context of the relationship between the appeal building and no.21. Compliance with elements of this supplementary planning guidance would not override conflict with the policies in the development plan, in the specific circumstances of this case.
9. To conclude, I consider that the proximity of the side extension to the boundary with no.21 means that the development would have an unacceptable relationship with this neighbouring property. This is due to the loss of visual space between buildings, leading to the creation of an extended building that appears cramped in its setting; which would consequently result in harm to the character and appearance of the area. The development therefore conflicts with saved policy QD14 of the Brighton and Hove Local Plan 2005 ("Local Plan") which requires that new development is well designed, sited and detailed in respect of buildings in the surrounding area, taking account of the existing space around buildings. There are no material planning considerations that would justify an exception to this development plan policy on this occasion.

Living conditions

10. The two storey extension would be visible from the front living room window and first floor bedroom window within the recessed front elevation of no.21. Whilst I have no detailed technical evidence before me, I consider that the bulk and siting of the extension is such that it is likely to breach the 45 degree rule in respect of these windows. Due to its location due south of the neighbouring building, it would obscure the path of the sun for parts of the day, resulting in a reduction in the amount of light coming through these windows.

11. However, both of the affected windows are located within rooms that are dual aspect. In the case of the ground floor lounge, there are also patio doors that out to the garden. The upper floor bedroom has a large window facing out to the rear garden area. I observed that these windows and doors have a good standard of natural light and unobstructed outlook, and the levels of light they receive would not be significantly affected by the proposed development.
12. As such, whilst the respective front windows would experience a loss of light as a consequence of the development, both windows and doors to the rear would continue to receive a good standard of light. On the basis of the evidence before me, no other windows within no.21 would be significantly affected by the proposed development. Overall, I consider that the total amount of natural light within each respective room and the property as a whole would be of a good standard, and there would be no significant loss of amenity through loss of daylight, sunlight or additional overshadowing that would result in material harm to living conditions. Consequently, there is no conflict with saved policy QD27 of the Local Plan and the relevant parts of the National Planning Policy Framework which require that new development ensures a good standard of amenity is provided for existing occupants of residential buildings.

Other Matters

13. The appellant draws attention to the approach taken in previous decisions by the Council in respect of the extensions to no.21. However, on the evidence before me the circumstances do not appear to be directly relevant to the elements of the appeal proposal which I have found to be unacceptable. I have considered the appeal on its merits, and on the basis of the appearance of the appeal building and neighbouring property at the time of the site visit.

Conclusion

14. I have found that the proposed development would not result in harm to the living conditions of the occupants of neighbouring residential buildings. However, the close proximity of the first floor extension to the shared boundary with no.21 means that the proposal would result in harm to the character and appearance of the area. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Neil Holdsworth

INSPECTOR