
Appeal Decision

Site visit made on 20 August 2019

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 09 September 2019

Appeal Ref: APP/Q1445/D/19/3227677
3 Monk Close, Brighton, Sussex BN1 9AH

- 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 Stefan Brown against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/00303, dated 4 July 2018, was refused by notice dated 3 April 2019.
 - The development proposed is 'extension and alterations'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the host property and the surrounding area; and
 - b) the living conditions of the occupiers of 2 Monk Close with respect to privacy, outlook and light.

Reasons

Character and appearance

3. The host property is in a residential cul-de-sac characterised by pairs and terraces of dwellings and is not subject to any designations. While there are variations in materials and orientation, the dwellings in Monk Close share a simple form and regularly spaced windows and porches, which create a pleasant rhythm in the street scene. The proposed extension and decking would not be visible from Monk Close. As such the form and appearance of the dwelling in the street scene would not be adversely affected.
4. The rear of the host property would be glimpsed through a gap between properties on Twyford Road. From there, the proposed extension and decking would be seen in conjunction with the existing single storey extensions. There would be a gap between them however, so they would not appear as a single mass. The proposed extension would be set in slightly from the boundary and would be in proportion with the rear elevation of the host property. Although the ridge would be the same height as the main roof, the proposed extension would be smaller in scale than the rear gable of 2 Monk Close. As such it would not be excessive in height and would appear subservient to the host property.

The materials, roof form and pitch would match the existing dwelling. Consequently, the proposed extension would be well designed and sited in relation to the host property and the surrounding area.

5. The appeal proposal would further change the plan form of the host property. However, it is a mid-twentieth century dwelling of a type common across the country and there is no evidence before me that its plan form is of any particular significance. I saw on my site visit that many houses in the surrounding area had been altered and extended without any significant change to the character of the dwellings or the surrounding area.
6. Therefore, I conclude that the proposed extension would not harm the character and appearance of the host property or the surrounding area. Consequently, I find no conflict with criteria a), c) or d) of Policy QD14 of the Brighton & Hove Local Plan 2005 (LP) which require development to be well designed, take account of the space around buildings and the character of the area, and use materials sympathetic to the parent building. I also find no conflict with SPD12: Design Guide for Extensions and Alterations Supplementary Planning Document 2013 (SPD), insofar as it deals with the relationship of extensions to the host property.

Living conditions

7. The attached property 2 Monk Close is set at right angles to the host property and projects further to the rear. At the time of my site visit a section of the fence between the appeal site and No 2 had been removed temporarily and I was able to see into its garden.
8. The proposed decking would be at approximately the same level as the rear door of the host property, which is raised above ground level. The height of the decking would allow anyone standing or sitting on it to see into the garden and rear windows of No 2. Even with the boundary fence replaced, this would result in a significant loss of privacy and consequent harm to the living conditions of the occupiers of that property.
9. Due to its height, depth and siting the proposed extension would result in some loss of daylight to the ground floor rear window of No 2 and some additional shadowing in the afternoon. Although these would be minor impacts, they would further contribute to the harm I have already identified to the living conditions of the occupiers of No 2.
10. The proposed extension would not project significantly past the rear of No 2 and would follow the angle of the boundary, away from that neighbouring property. As a result, although it would be visible from the rear windows and garden of No 2 it would not have an unduly overbearing impact when viewed from that property.
11. Therefore, I conclude that the proposed development would significantly harm the living conditions of the occupiers of 2 Monk Close in respect of privacy and light but not in respect of outlook. Nevertheless, the appeal proposal would not accord with Policies QD14 and QD27 of the LP which both seek to resist, amongst other things, a material loss of amenity to neighbouring properties.

Other matters

12. Although both the appellant and the Council refer to there being existing raised decking at the rear, there was none in place at the time of my site visit and none is shown on the submitted drawings. I cannot therefore compare the impact of any previous decking with the appeal proposal, which I have considered on its own merits.
13. I also note that the occupiers of No 2 have not raised concerns about the scheme, however this does not make the development acceptable given the significant harm I have identified.

Conclusion

14. I have found that the proposed development would significantly harm the living conditions of the occupiers of 2 Monk Close in respect of privacy and light. While I have found that there would be no significant adverse impact on the outlook from that property, or on the character and appearance of the host property and the surrounding area, this does not outweigh the significant harm that I have identified in terms of living conditions. Therefore, I conclude that the appeal should be dismissed.

L McKay

INSPECTOR