
Appeal Decision

Site visit made on 20 August 2019

by L McKay MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 10th September 2019.

Appeal Ref: APP/Q1445/D/19/3229781

16 Pinfold Close, Brighton, East Sussex BN2 6WG

- 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 M Robinson against the decision of Brighton & Hove City Council.
 - The application Ref BH2019/00335, dated 30 January 2019, was refused by notice dated 27 March 2019.
 - The development proposed is a rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a rear extension at 16 Pinfold Close, Brighton, East Sussex BN2 6WG in accordance with the terms of the application, Ref BH2019/00335, dated 30 January 2019, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall be carried out in accordance with the approved plans.

Main Issues

2. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the host dwelling; and
 - b) the living conditions of 14 Pinfold Close in respect of light.

Reasons

Character and appearance

3. The host property is a semi-detached bungalow with a large box dormer and conservatory at the rear. These have fundamentally changed the appearance of the rear elevation. The design and materials of the proposed extension would relate well to the simple form of the original dwelling and the modern dormer. While the extension would appear quite tall when seen from the garden, which is on lower ground, it would rise to only just above eaves level. The dormer would be set back well behind it, so they would not be perceived as a single

structure. Therefore, while the proposed extension would extend across the whole of the rear of the property, this would not significantly affect the appearance of the dwelling.

4. I note that the scale and depth of the proposed extension would be consistent with the design principles set out in section 3.1 of SPD12: Design Guide for Extensions and Alterations Supplementary Planning Document (SPD). Given the height and depth of the existing building the proposed extension would appear subservient to it and would not be dominant.
5. Consequently, I conclude that the proposed extension would not harm the character and appearance of the host property. I therefore find no conflict with Saved Policy QD14 of the Brighton & Hove Local Plan 2005 (LP) which, amongst other things, requires development to be well designed, sited and detailed in relation to the property to be extended. Furthermore, I find no conflict with the design guidance in the SPD.
6. The Council has cited Saved Policy QD27 of the LP in its reason for refusal however that policy relates to loss of amenity. It has not therefore been determinative in my consideration of this main issue.

Living conditions

7. The proposed extension would be sited adjacent to the party boundary with 14 Pinfold Close, which is at the same ground level as the host property. The boundary has a timber fence alongside the patio and then a substantial mature hedge along the rest of the boundary. Although it would be somewhat higher than the fence, the proposed extension would be significantly lower than the hedge. As such, it would not have a materially greater impact on daylight to the rear of No 14 than the existing boundary treatment. The proposed extension would result in some additional shadowing compared to the existing conservatory, but this would be limited to a short time in the early morning, after which the hedge would create much greater shadow.
8. Consequently, I conclude that the proposed extension would not result in material harm to the living conditions of the occupiers of 14 Pinfold Close in respect of light. As such I find no conflict with Saved Policies QD14 and QD27 of the LP or the SPD, which collectively, amongst other things, seek to safeguard the amenity of neighbouring properties.

Conclusion

9. For the reasons given above I conclude that the appeal should be allowed subject to conditions that are necessary in the interests of certainty, and to ensure that the proposed extension would be sympathetic to the host property.

L McKay

INSPECTOR