

Appeal Decision

Site visit made on 26 February 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th March 2020

Appeal Ref: APP/Q1445/D/20/3246218
54 Woodbourne Avenue, Brighton BN1 8EQ

- 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 Miss Shelley Gasson against the decision of Brighton and Hove City Council.
 - The application, Ref. BH2019/03139 dated 16 October 2019 was refused by notice dated 29 November 2019.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions for the occupiers of the adjoining property at No. 56 as regards outlook and light.

Reasons

3. I saw on my visit that the appeal dwelling is one half of a pair of semi-detached bungalows on the south side of Woodbourne Avenue. Both properties have single storey rear extensions and the appeal scheme is to infill the gap between the extension at No. 54 and the boundary of No. 56. The proposal is a modification of an earlier proposal and the Council has indicated that purely in terms of its length and design it would be acceptable. I agree with this assessment.
 4. However, No. 56 has a large window in the rear wall of the original dwelling that provides an outlook over the rear garden of that property and a somewhat smaller window in its extension, directly facing the existing extension of No. 54. The outlook from both of these windows would be significantly affected by the appeal scheme. And the proximity of the addition, with its flank wall forming the new boundary, would significantly increase the sense of enclosure for the occupiers of No. 56. A further effect would be a loss of daylight, and bearing in mind the southerly aspect, some overshadowing with a loss of afternoon and evening sunlight.
 5. The grounds of appeal refer to the southerly outlook from the main window of No. 56 and argues that because it is a window to a bedroom, the amenity afforded by the existing level of outlook and light is of less significance. It is also suggested that the large garden of No. 56 results in less reliance on the
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area immediately adjoining the dwelling, and that a technicality arising from the existing extension precludes a deemed permission under the GPDO regulations given the absence of an objection from the neighbour.

6. However, whilst I have noted these points and given them some weight, the fact remains that in my view the proposal would have a significantly adverse effect on the living conditions as regards outlook and light for the existing and any future occupiers of the adjoining bungalow at No. 56. This would conflict with Policies QD14 & QD27 of the Brighton and Hove Local Plan (Retained Policies March 2016) and paragraph 127f) of the National Planning Policy Framework 2019.
7. For these reasons the appeal is dismissed.

Martin Andrews

INSPECTOR