



Appeal Decision

Site visit made on 25 May 2021 by M Long

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2021

Appeal Ref: APP/Q1445/D/21/3268860

53 Green Ridge, Brighton BN1 5LU

- 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 and Mrs M Hartfield against the decision of Brighton & Hove City Council.
 - The application Ref BH2020/03140, dated 2 November 2020, was refused by notice dated 23 December 2020.
 - The development proposed is erection of a two storey rear extension with balcony, alterations to front dormer, installation of 2no front rooflights, enlargement of front hardstanding and revised fenestration.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey rear extension with balcony, alterations to front dormer, installation of 2no front rooflights, enlargement of front hardstanding and revised fenestration at 53 Green Ridge, Brighton BN1 5LU in accordance with the terms of the application, Ref BH2020/03140, dated 2 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: 1500-02, 1500-03E and 1500-04.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The accommodation in the first floor of the rear extension hereby permitted shall not be occupied until the windows in the east and west facing elevations have been fitted with obscure glazing and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscure glazing and restricted means of opening shall be retained thereafter.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. There is a discrepancy in the descriptions of development used within the documents submitted during this appeal process. I have utilised the description used by the Council, which was also included by the appellant in the appeal form, in the interests of clarity.
4. The Council has only raised substantive concerns with the two storey rear extension and not the remainder of the proposal, and I see no reason to disagree. The following recommendation will therefore focus solely on the effect of the rear extension.

Main Issue

5. The main issue is the effect of the two storey rear extension on the living conditions of the neighbouring occupiers of 55 Green Ridge, with regard to whether there would be an overbearing impact.

Reasons for the Recommendation

6. The appeal site is a detached, chalet-style dwelling situated on the northern side of Green Ridge. The surrounding area is predominantly residential and is comprised of two storey properties and bungalows of varied designs. There is moderate spacing between the appeal dwelling and the neighbouring property to the east, No 55, which is deeper in comparison. No 55 has a single storey rear extension and both the original and extended rear elevations project beyond the rear elevation of the appeal property. No 55 also has very tall and dense hedges along the shared boundary with the appeal site which significantly limits views between the neighbouring sites.
7. The proposed two storey rear extension would incorporate two gable features either side of a recessed balcony. These gable features would have hipped roofs and would be set down from the existing ridge line by a short distance. The proposed extension would project beyond the original rear elevation of No 55 but would remain behind the rear elevation of its ground floor extension.
8. The proposed extension's set down from the existing ridge line, hipped roof design and moderate spacing from No 55 would sufficiently mitigate a harmful overbearing effect. Furthermore, the proposal would not project beyond the extended rear elevation at No 55 and so its limited depth would minimise views of the development from the neighbouring site. While there is a dormer window in the rear roof of No 55, its central positioning and substantial distance from the appeal site would further prevent an undue overbearing impact.
9. Additionally, the tall and dense hedges at No 55, which screen the shared boundary between the two neighbouring properties, would significantly limit views of the proposed extension. Although these hedges cannot be secured in perpetuity, they remain under the control of the current occupiers of No 55. Even if the vegetation were to be removed, the views of the proposed rear extension would not result in an overbearing impact due to its limited depth, height and set back from the shared boundary which would protect the living conditions of both the current and future occupiers.
10. Given the above, the proposed two storey rear extension would not result in undue harm to the living conditions of the neighbouring occupiers of 55 Green Ridge, with regard to whether there would be an overbearing impact. It would

accord with saved Policies QD14 and QD27 of the Brighton & Hove Local Plan, adopted July 2005, which seek to ensure that development does not result in a loss of amenity to neighbouring properties and that it takes account of whether the proposal would be overbearing.

Conditions

11. In addition to the standard time period for commencement and requiring that development be carried out in accordance with the approved plans, which is necessary for certainty, I recommend that matching external materials are used to preserve the character and appearance of the dwelling.
12. A further condition to fit the first floor windows in the east and west facing elevations with obscure glazing and restricted opening is recommended to protect the privacy of the neighbouring properties.
13. Within the officer's report there is a recommendation that a condition requiring a bee brick to improve ecology outcomes on the site is attached, however this has not been included in the questionnaire submitted during the appeal process. There is no evidence before me to suggest that this would be required to mitigate any effects of the proposed development and Policy CP10 does not specifically require it. The Supplementary Planning Document SPD11 Nature Conservation and Development has not been provided at the appeal stage, therefore the necessity for this condition has not been evidenced.

Conclusion and Recommendation

14. The proposed development would accord with the development plan, when considered as a whole. For the reasons given above, and having regard to all matters raised, I recommend that the appeal should be allowed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

K Taylor

INSPECTOR