



Appeal Decision

Site visit made on 14 April 2009

by **Elizabeth Lawrence BTP MRTPI**

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

The Planning Inspectorate
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Decision date:
29 April 2009

Appeal Ref: APP/Q1445/A/08/2091962/WF 26 Moyne Close, Hove, East Sussex, BN3 7JX.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice, within the prescribed period, of a decision on an application for planning permission.
 - The appeal is made by Mr I Kane against Brighton & Hove City Council.
 - The application (Ref BH2008/01721) is dated 15 May 2008.
 - The development proposed is described as single storey rear addition in order to provide ground floor bedroom and bathroom facilities for a disabled occupant.
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Decision

1. I allow the appeal and grant planning permission for a single storey rear addition in order to provide ground floor bedroom and bathroom facilities for a disabled occupant, at 26 Moyne Close, Hove, East Sussex, BN3 7JX, in accordance with the terms of the application [Ref. BH2008/01721] dated 15 May 2008 and the plans submitted therewith, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details unless variation is otherwise agreed in writing by the local planning authority.

Main issue

2. The main issue is the effect of the proposal on the living conditions of the occupants of 25 Moyne Close with particular regard to visual impact and daylight/sunlight.

Reasons

3. The proposed extension would be sited at the rear of the property where it would not be dominant when viewed from the rear access and would not be visible in the street scene. As such it would not have a material impact on the character and appearance of the surrounding area. This is provided the external materials used match those of the existing dwelling, which is something that I have dealt with by the imposition of a condition.
 4. There is already a strong sense of enclosure within the garden to No.25 which is due to the alignment of No.24, the nature of the side boundary fences, the
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existence of a tall conifer tree and the narrow width of the garden. Due to its depth and height the proposal would add to this sense of enclosure. At the same time it would add to the sense of privacy within the garden and provide a favourable south-facing wall within that garden.

5. As the extension would be located to the north of No.25 it would not result in any material loss of sunlight either within the rear rooms or the garden area to that property. In addition, given its restricted roof height the proposed extension would be likely to have only a minimal impact on natural light within and outlook from the dwelling at No.25 and its rear garden area.
6. Finally I give some weight to the personal circumstances of the occupants of No.26 and their need for ground floor bedroom and bathroom accommodation. I also note that the occupants of No.25 have not objected to the proposal and that the owners of No.25, who also own the appeal property, support the scheme.
7. I conclude that the proposed extension would not materially harm the living conditions of the occupants of No.25 with regard to visual impact, loss of daylight or sunlight. Accordingly the scheme would comply with policies QD1, QD2, QD14 and QD27 of the Brighton & Hove Local Plan 2005. Collectively and amongst other things these policies seek to ensure that new developments relate satisfactorily to their surroundings and do not harm the living conditions of local residents.

Elizabeth Lawrence

INSPECTOR