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## Appeal Decision

Site visit made on 4 December 2017

by **Nicola Davies BA DipTP MRTPI**

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

Decision date: 14 December 2017

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**Appeal Ref: APP/Q1445/D/17/3186841**

**12 Glen Rise, Brighton BN1 5LP**

- 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 John Blankson against the decision of Brighton & Hove City Council.
  - The application Ref BH2017/01353, dated 12 April 2017, was refused by notice dated 26 July 2017.
  - The development proposed is described as "*removal of existing roof, extension at first floor level with pitched roof over to provide living accommodation, single storey rear extension*".
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue raised in respect of the appeal is the effect of the proposed development on the living conditions of the occupiers of 10 Glen Rise.

### Reasons

3. The residential street of Glen Rise rises steeply from south to north. As a result the bungalow at the appeal site is situated at a higher ground level to that of the chalet bungalow at 10 Glen Rise (No 10). There is also a stagger to the building line with the appeal property being positioned slightly further back on its plot than No 10.
4. The proposed first storey would significantly increase the height of the existing bungalow. This part of the proposed development would also project beyond the rear building line of No 10. The proposed rear extension would extend the side elevation of No 12 a considerable distance to the rear. Both the first floor extension and rear single storey extension would be in close proximity to the boundary with No 10. Taken collectively, the combined increase in height and rearward projection, together with their proximity to the boundary and their siting at a higher ground level, would result in a development that would dominate the garden immediately to the rear of No 10. Consequently, the size and bulk of the proposed development would adversely affect the living conditions of the occupiers of No 10.
5. There is currently tall vegetation along the rear side boundary between Nos 10 and 12. The appellant indicates that this would be cut back to provide space

for, and around, the proposed rear extension. Whilst cutting back this vegetation may improve the living conditions of the adjoining occupiers at No 10, reducing this vegetation would make the proposed development all the more dominant in the outlook from the rear garden of No 10.

6. It is also argued that because the rear single storey extension would be positioned away from the side boundary, the boundary fence would reduce the visibility of the extension in the upward angle of view from No 10. On the available evidence I am not persuaded that this would significantly reduce the visibility of the rear extension in the outlook from the adjoining garden.
7. I accept that the proposed development would have an acceptable appearance within the Glen Rise streetscene and I note that the Council has not raised an objection to the proposal in this respect. However, this would not outweigh the harm to the living conditions of the adjoining occupiers or justify the proposed development, despite the occupiers of No 10 not raising objection to the proposal.
8. I note that other applications for development at the site have been previously submitted to the Council. Nevertheless, this proposed development is different to those of previous schemes and therefore can and should be considered on its own merits.
9. I also note that prior notification under permitted development rights allow for rear extensions to be constructed at the rear of residential properties. However, I have not been provided with evidence that would indicate any such approval is in place here. Furthermore, even if a single storey extension to the rear could be erected under the prior notification process, this does not make the proposal more acceptable, nor does it outweigh the harm that I have identified above. I therefore attached limited weight to the existence of such permitted development rights.
10. For the above reasons, I conclude that the proposal development would be harmful to the living conditions of the occupiers of 10 Glen Rise. The proposed development would therefore be contrary to Policies QD14 and QD27 of the Brighton and Hove Local Plan and Supplementary Planning Document 12 'Design Guide for Extensions and Alterations' that seek to protect the living conditions of adjoining occupiers.

### **Conclusion**

11. Having regard to the above findings, the appeal should be dismissed.

*Nicola Davies*

INSPECTOR