



Appeal Decision

Site visit made on 18 June 2009

by **Y Mwanza BA(Hons) MRTPI**

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

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**Decision date:
7 August 2009**

Appeal Ref: APP/Q1445/A/09/2098189

38 Wilbury Road, Ground floor flat, Hove, East Sussex, BN3 3JP

- 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 Florence Tapiwa against the decision of Brighton and Hove City Council.
- The application Ref BH2008/03214, dated 3 October 2008, was refused by notice dated 22 December 2008.
- The development proposed is the enlargement of approved single storey rear extension.

Decision

1. I dismiss the appeal.

Main issue

2. The effect on the living conditions of the neighbouring occupier with reference to visual impact.

Reasons

3. The appeal proposal would be flanked by an existing single storey rear extension, boundary wall and fence to the north at No.40 Wilbury Road of similar height and projection. In my view there would be no adverse impact on the living conditions of the occupiers at No.40 as it would be screened from the appeal proposal.
4. An extension of similar depth to the appeal proposal was approved in 2005 under Council Reference BH2005/01000. The appeal proposal seeks to make the extension wider than that permitted in 2005. Policies QD14 and QD27 of the Brighton & Hove Local Plan relate to extensions and alterations and the protection of amenity respectively and seek to resist development that would cause loss of amenity to neighbouring residents. Policy QD14 states that account will be taken of the overall height relationships and how overbearing the proposal will be.
5. The flank wall of the proposed kitchen extension would be located significantly closer to the basement lightwell and patio area of the existing dwelling at No.36. In my opinion because of its height above the basement accommodation and patio, rear projection and proximity to the basement windows the appeal proposal would have an overbearing effect and would result in an increased and unacceptable sense of enclosure. I conclude that the development would be harmful the living conditions of the occupiers of No.36

and would be contrary to Policies QD14 and QD27 of the Brighton & Hove Local Plan.

Other Matters

6. The appellant states that the appeal proposal improves upon the previous approval, Council Ref: BH2005/01000, in that it creates a seamless rear extension by doing away with the stepped design and would not result in any significant loss of light, outlook or privacy. In my view whatever benefits that may be gained by altering the stepped design of the extension would be outweighed by the significant harm caused by the closer proximity of the appeal proposal to the neighbouring basement property at No.36 Wilbury Road.

Conclusion

7. For the reasons given and having had regard to all other matters raised, including comments from the neighbour at No. 36 Wilbury Road, I conclude that the appeal should be dismissed.

Y Mwanza

INSPECTOR