



Appeal Decision

Site visit made on 4 December 2018

by **Tim Crouch MSc DipUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 08 January 2019

Appeal Ref: **APP/Q1445/D/18/3213923** **20 Quebec Street, Brighton, BN2 9UZ**

- 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 Annette Mclachlan and Sebastian Michaelis against the decision of Brighton & Hove City Council.
 - The application Ref BH2018/00351, dated 4 February 2018, was refused by notice dated 5 September 2018.
 - The development proposed is a single storey rear and side extension at lower ground floor level.
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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 of No 21 Quebec Street with particular regard to outlook.

Reasons

3. No 20 and No 21 Quebec Street are part of a terrace of townhouse properties which are partly characterised by the change in levels from front to back. The properties are fairly narrow with 3 to 4 storeys of living space. The front doors access the upper ground floor, a storey above the lower ground floor which is level with the rear gardens. The kitchens of the two properties are to the rear of the lower ground floor served by a rear window.
4. No 20 has a significant rear projection at lower ground floor level which is set back from No 21 allowing pedestrian access down the side to the garden. A smaller part width projection is mirrored on No 21. There is a lower boundary wall between the properties providing some openness to the kitchen windows.
5. The proposal seeks to remodel the rear projection and extend to almost the full width for a substantial length along the boundary. It is then angled into the plot of No 20 with a large element of glazing. Given the length, height and positioning on the boundary, the structure would have a significant overbearing and enclosing impact on the outlook from the rear lower ground floor of No 21. This is a sensitive location which includes the window to its kitchen and eating area. The inclusion of the proposed glazing, although angled with a degree of obscure finish to prevent problems with overlooking, would also accentuate the overall dominance of the proposal given its scale and level of actual, and perceived, intervisibility.

6. It is noted that the proposal has been carefully considered architecturally and would remodel the existing rear projection to reduce some of its length into the garden and windows facing No 21. However, the harm identified is principally related to the proposed positioning and length on the boundary.
7. Consequently, the proposed development is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan which, amongst other objectives, seek to ensure extensions would not result in significant loss of outlook or amenity.
8. The appellants state in their Design and Access Statement that the outrigger is an original structure. As a result, in their view a single storey rear extension could be erected off it without the need for planning permission. With a height of up to 4m an extension built under permitted development rights has the potential to have a significantly greater impact on outlook than the appeal proposal. The appellants though refer to such an extension as hypothetical and on the basis of the information provided I am not persuaded that it is likely one would be built. As a result, I attach little weight to this consideration in favour of the appeal.

Conclusion

9. For the reasons given above and, having regard to all other matters raised, I conclude that the appeal should be dismissed.

Tim Crouch

INSPECTOR