



Appeal Decision

Site visit made on 6 July 2009

by **J B Pybus DipTP 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/09/2096371

St Edmunds, Steyning Road, Rottingdean, Brighton, BN2 7GA

- 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 Paul and Mrs Sanoma Evans against the decision of Brighton & Hove City Council.
- The application Ref BH2008/03403, dated 23 October 2008, was refused by notice dated 29 December 2008.
- The development proposed is a two storey extension.

Decision

1. The appeal is dismissed.

Procedural matter

2. The plans upon which the Council's decision is based are Nos 01 A, 02 A, 03 A, 04, 05 A and 06. It is these plans therefore which I consider for the purposes of this appeal. I appreciate that other plans were forwarded in connection with the appeal, namely Nos 01 B, 03 B, 04 A, and Sketches 7 and 7A, and that a planning application for a modified proposal has been submitted to the Council. However, these later plans are not within my jurisdiction, and I therefore confine my consideration to the proposal described by those aforementioned plans.

Main issues

3. I consider that the main issues in this appeal are the effects of the proposal on:
 - (a) The living conditions of the occupants of neighbouring properties in terms of visual impact, privacy, and sunlight,
 - (b) The character and appearance of the area.

Reasons

Issue (a) Effect on living conditions

4. The appeal property is a detached dwelling on the north side of Steyning Road. The neighbouring properties on either side are also detached, but of different styles and designs. The part single storey part two storey extension proposed would be at the rear and would have a large 'L' shaped footprint.

An existing conservatory would be removed and the accommodation created would provide on the ground floor an annex for a relative, with a link to a new family room. At the first floor would be a new bedroom and a terrace formed by the flat roof over the family room. Over the single storey part of the annex would be a steep pitched roof.

5. A principal concern of the Council relates to the impact the extension would have on the neighbouring property to the east, Emsworth. The rear wall of Emsworth is set forward about 1m from the existing rear wall of the appeal property, and the side walls of the two properties are about 2.7m apart. The proposed extension would extend about 11m from the existing rear wall, the first 3.7m being two storey with a pitched roof and the remaining single storey section would be about 7.3m in depth, also with a pitched roof. I consider that the combination of the depth and height of the extension would result in an excessively overbearing impact for the occupants of Emsworth, from where I viewed the appeal property, both within the rear garden and from ground and first floor windows to habitable rooms.
6. I also viewed the appeal property from the rear garden and the windows of rear rooms at Rotherdown, the next property to Emsworth. This dwelling is chalet style with a large single storey living room rear extension on the ground floor, from which, due to its depth and position relative to the proposed extension, the view of it would be limited. There would be a clear view of much of the depth of the proposed extension from the rear windows of the upper floors, which are mostly to bedrooms, and from the rear garden. However, whilst the extension would be very apparent, given the overall distance from the extension, with the rear garden of Emsworth intervening, the impact would not be unacceptably overbearing as would be the case for the occupants of Emsworth.
7. Policy QD27 of the *Brighton & Hove Local Plan* states that permission will not be granted for proposals which cause material loss of amenity to adjacent occupiers. Policy QD14, relating to extensions and alterations, contains similar guidance with regard to the affect on neighbouring amenity. I consider that there is material conflict with both these policies in respect of the visual impact of the extension on the occupants of Emsworth.
8. On the matter of privacy, the Council acknowledges that none of the windows in the proposed extension would result in any loss of privacy to neighbouring residents, and subject to obscure glass in the ensuite bathroom on the east elevation, I agree with this position. The issue of privacy is in relation to the terrace over the family room, which would measure about 4.2m by 7m. Although there would be no view of rear windows of Emsworth or the part of the rear garden nearest the house because of the intervening pitched roofs, it would be about 6m from the common side boundary with The Vicarage, the adjacent property to the west.
9. I acknowledge that there is already a small existing terrace which is closer to the boundary of The Vicarage than that proposed, but the effect of a substantial increase in the size of the terrace and the clear view of the garden of that property would result in a materially adverse effect on the privacy

enjoyed by the occupants, notwithstanding the existing vegetation along the boundary. The resultant harm would conflict with policies QD14 and QD27.

10. The concern about loss of light is in relation to the sunlight received by the occupants of Emsworth. The extension in addition to being about 11m deep would be approximately 5m to the eaves of the two storey element and 7.5m to the ridge of the roof. The corresponding heights for the single storey element are 2.7m to the eaves and 5m to the ridge. The rear elevations of the properties are more or less north facing. Whilst the Council points to the loss of some late summer evening sunlight with regard to the rear windows of Emsworth, given the unobstructed sunlight available for much of the day, I do not consider that this amounts to a material loss of sunlight sufficient to conflict with policies QD14 or QD27.
11. I conclude therefore on issue a) that in respect of impact and effect on privacy, there is material conflict with the aforementioned Local Plan policies.

Effect on character and appearance

12. The front elevation of the appeal property has a chalet style appearance with somewhat disparate design elements and contrastingly proportioned fenestration. This differs substantially from the rear elevation which has not only a quite different appearance but a much greater sense of unity in its design.
13. Policies QD1 and QD2 of the Local Plan both aim to achieve a high quality of design in new development and QD2 specifically points to the need to take into account the height, scale, bulk and design of existing buildings. In respect of house extensions, this ethos is repeated in policy QD14. The Council's Supplementary Planning Guidance *Roof Extensions and Alterations* and
14. a Supplementary Planning Document *Construction and Demolition Waste* are referred to by the Council, but I am unclear from the written submissions how either of these documents have particular relevance to the appeal.
15. In terms of its detailed design, the extension would relate well to the main rear elevation. Consideration has clearly been given to the form of the roofs of both the single storey and two storey elements, which would be entirely sympathetic to the roof of the main dwelling as seen from the rear. New windows would also reflect the existing in terms of their proportions and timber frames, and the proposed external finish of white render and clay tiles would match the existing. However, the extension in terms of its bulk would be so large in my view that it would not only unacceptably dominate the rear elevation of the appeal property, but would be harmful to the character and appearance of the main dwelling and a discordant element from wherever it would be clearly seen.
16. I appreciate that the extension is not visible from Steyning Road. Furthermore, its view from elsewhere in the public domain, such as from Chailey Avenue which runs at right angles to Steyning Road, would be confined at the most to a very limited part of the structure. However, it

would be clearly seen from neighbouring properties on either side of St Edmunds, and its substantial depth and bulky form would be visually disturbing. In this respect, it would be harmful not only to the occupants of the immediately adjacent properties, but also from Rotherdown, where the full effect of the size and bulk of the extension would be evident from the rear garden. For these reasons I consider that there would be harm to the general character and appearance of the area and clear conflict with policies QD1, QD2 and QD14.

Conclusions

17. I find against the appeal proposal in respect of both main issues. I appreciate the personal circumstances for requiring the annex part of the proposed extension, namely to provide accommodation for a dependant relative with an element of self containment. However, these circumstances do not outweigh the harm which I have identified. The appeal will therefore be dismissed.

J B Pybus

INSPECTOR