



Appeal Decision

Site visit made on 25 August 2009

by **Richard A. Hersey BA DipTP MRTPI**

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

The Planning Inspectorate
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Decision date:
2 September 2009

Appeal Ref: APP/Q1445/D/09/2108939 18 Windmill Drive, Brighton BN1 5HG

- 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. V. Clark against the decision of Brighton & Hove City Council.
- The application, ref. BH2009/00930, dated 18 April 2009, was refused by notice dated 17 June 2009.
- The development proposed is *Single storey rear extension*.

Decision

1. I allow the appeal and grant permission for the erection of a rear extension at 18 Windmill Drive, in accordance with the terms of the application dated 18 April 2009, ref. BH2009/00930 and drawing nos. WD1A, WD2A, WD4, subject to the condition:-

The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main issue

2. The main issue is the effect of the development on the living conditions of the occupiers of the adjoining property, 16 Windmill Drive.

Reasons

3. The appeal property is a detached bungalow on a site that slopes steeply down from front to back. The development, partly constructed, has involved replacement of an original extension, about 1.8m deep and extending across about two thirds of the rear elevation, with an extension of the same width but increased in depth to 3.3m. Some excavation of the sloping rear garden has taken place in order to provide reasonable headroom within a proposed storage area, accessible from the garden, beneath the living space. This results in the provision of a two storey structure. The roof, not yet constructed, would be partly flat but would have shallow pitched sides, tiled to match the existing roof.
4. Because the main rear wall of the appeal property is slightly set back from the rear of the adjoining bungalow at 16 Windmill Drive, the extension projects only about 3m beyond the neighbouring dwelling and it is separated from that dwelling by a distance of 2m, being 1m on either side of the boundary. With this depth and limited height in relation to the position of the neighbouring ground floor room, there would be compliance with the "rule of thumb" 45 degree daylight angle referred to by the Council and, in my judgement, any

loss of daylight to the neighbouring room would be small and would not justify refusal of permission.

5. I appreciate that, because of the steep slope, the structure appears quite high in relation to the neighbouring garden level and would thereby to some extent increase any sense of enclosure on this side but I do not consider that any effect on the outlook from the rear of no. 16 or its garden arising from the comparatively modest increased depth of the appeal property is so significant as to justify refusal for this reason. I consider that the development would not conflict with policy QD27 -Protection of Amenity- of the Brighton and Hove Local Plan 2005.
6. As for the appearance of the structure, I agree with the Council that, although it appears to be quite large because of the excavation and the topography, the detailed design would be satisfactory and the structure would not harm the character of the existing building or the area as a whole, provided that the materials match the existing building. It would comply with policy QD14 - Extensions and Alterations- of the Local Plan.

R.A.Hersey

INSPECTOR