



# Appeal Decision

Site visit made on 25 August 2009

by **C J Leigh BSc(Hons) MPhil(Dist) MRTPI**

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

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**Decision date:**  
**21 September 2009**

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## Appeal Ref: APP/Q1445/A/09/2103089

133 New Church Road, Hove, East Sussex, BN3 4ED

- 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 & Mrs Firsht against the decision of Brighton & Hove City Council.
- The application Ref. BH2009/00129 was dated 19 January 2009 and was refused by notice dated 17 March 2009.
- The development proposed is a rear ground floor orangery extension.

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## Decision

1. I dismiss the appeal.

## Reasons

2. There are existing rear extensions to the appeal property that would be demolished to enable the erection of the proposed addition. This would extend no further into the site than the existing dining room of No. 133, although the proposed orangery would fill a greater width than the current extensions to the property. Most notably, in my opinion, the proposed addition would be sited adjacent to the boundary wall with No. 131 to the east.
3. From my observations at the site visit I consider the depth of the proposed extension would not appear excessive when viewed from No. 131. However, I share the concerns of the neighbouring residents that the height of the proposed extension would be so great as to cause an unacceptable impression of dominance and overbearing effect to their property. This would be contrary to the objectives of saved Policies QD14 and QD27 of the Brighton and Hove Local Plan 2005, insofar as they seek to ensure new development does not harm the living conditions of neighbouring properties.
4. The Council has raised concern that the proposed extension would result in too bulky an addition to the rear of No. 133. I consider the design of the proposed orangery to relate well to the architecture of the host property, with the use of brick and timber appropriate to area. The depth of the addition would not be excessive for the house, with a good sized garden area remaining. However, it is my judgement that my findings on this matter are outweighed by my conclusions regarding the harm to the living conditions of the adjoining occupiers and consequent conflict with the relevant planning policies. I have dismissed the appeal accordingly.

*C J Leigh*  
INSPECTOR

