



Appeal Decision

Site visit made on 12 November 2009

by **J O Head** BSc(Econ) DipTP MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
25 November 2009

Appeal Ref: APP/Q1445/D/09/2114576

"Chailey", 61 Valley Drive, Brighton, East Sussex BN1 5FD

- 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 Terry Offord against the decision of Brighton & Hove City Council.
- The application Ref BH2009/01701, submitted to the Council on 10 July 2009, was refused by notice dated 4 September 2009.
- The development proposed is the demolition of the existing garage and erection of a 2-storey side extension.

Decision

1. **I dismiss the appeal.**

Clarification

2. The planning application forms submitted with the appeal are undated. The decision notice states that the application was submitted to the Council on 10 July 2009.

Main issues

3. The main issue is the impact of the proposal on the living conditions of the occupiers of No 3 Hillside Way, with particular regard to outlook and sense of enclosure.

Reasons

4. The appeal property is a 2-storey detached house on the south side of Valley Drive in a predominantly residential part of the built-up area of Brighton. The land rises quite steeply to the south so that the adjoining dwelling at the rear, No 3 Hillside Way, is sited approximately one storey height above the level of the appeal property.
5. The Council has no objection to the design and appearance of the proposed extension and I agree that it would not look out of place or cramped in the Valley Drive street scene. However, the existing garage that would be replaced has a flat roof that preserves a substantial gap at first floor level between Nos 61 and 63. Because of the hilly nature of the surroundings and the relative positions of the two dwellings, this gap allows a relatively open outlook to the north from the rear windows and garden of No 3 Hillside Way.

6. Both the appeal property and No 3 have particularly small rear gardens in comparison with other dwellings in the surrounding area. The openness above the garage is, for that reason, important to prevent an uncharacteristically enclosed environment at the rear of No 3. Because of its height, width and siting, extending across much of the present gap above the garage, the proposed extension would dominate the outlook from the rear of No 3 and its first floor and roof would, in my estimation, create a very significantly increased sense of enclosure to the garden and ground floor windows of that property.
7. The current proposal has been amended from that which was dismissed on appeal in June 2009. Amongst other things, the extension would now be set back 1.57 metres from the back wall of No 61 and the ridge height of the roof would be 1.6 metres below that of the existing house. The extension would also be to the north of No 3 and so would have little impact on sunlight. I consider that the amendments that have been made would result in some improvement to the previously proposed situation. However, I agree with the Council that they would not be significant enough to prevent the proposed extension from creating a congested and claustrophobic effect at the rear of No 3 and from increasing the sense of enclosure experienced by the occupiers of that property to an unneighbourly and harmful extent.
8. Policies QD14 & QD27 of the Brighton & Hove Local Plan permit extensions only if they would be well designed and sited in relation to adjoining properties and would not result in significant loss of outlook or amenity to neighbours. I consider that the proposed extension would fail to meet those requirements and that its dominant impact would be unacceptably harmful to the living conditions of the occupiers of No 3 Hillside Way.
9. I accept that the northward view across the top of the existing garage from the rear of No 3 is blocked to some extent by the large street tree on the verge outside the appeal property. However, that tree is a natural feature that is situated further from No 3 Hillside Way than the proposed extension. Moreover, the concern with the appeal proposal does not relate to views but to the enclosing impact that would be created by increased built development at close range to the neighbouring dwelling and garden.

John Head

INSPECTOR