



Appeal Decision

Site visit made on 14 April 2010

by **M F Aldous BA (Hons), Dip Mgt, MRTPI**

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

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Decision date:
20 April 2010

Appeal Ref: APP/Q1445/D/10/2123521 60 Cowper Street, Hove BN3 5BN.

- 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 Ms Ruth Preston against the decision of Brighton & Hove City Council.
- The application Ref BH2009/03157, dated 22 December 2009, was refused by notice dated 16 February 2010.
- The development proposed is a single storey rear side extension to terraced house.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 62 Cowper Street, with particular regard to loss of light and outlook and overshadowing.

Reasons

3. The appeal property is located within the central part of a long terrace of similar dwellings. The work proposed is to the rear and would not be visible from the public realm. As such the proposal, which demonstrates a satisfactory design, would have no notable effect upon the character or appearance of the area.
4. To the rear, the properties within Cowper Street benefit from two storey rear projections which extend across about half the width of the plot. This arrangement results in small open areas facing each other on either side of the mutual boundary line. In so far as I could judge, it appeared to me that for the most part the open nature of these areas had been retained in that form and as such contributed to the character of the area, preserving the living conditions of adjacent occupiers by maintaining an open, light outlook from ground floor windows in these areas.
5. This proposal seeks to enclose the small open area within number 60 so as to form a larger kitchen/diner lit by patio doors on the southern elevation and a series of three velux roof openings. Whilst this would be beneficial to the occupants of the appeal property by creating a larger and better lit room, it would have significant implications for the occupants of number 62.

6. The work would result in the construction of a taller party wall along the mutual side boundary between the properties in order to support the extension. At the present there is a roughly 1.5 metre boundary wall which allows a good deal of light to the various openings at ground floor level at number 62. The drawings indicate that the proposed party wall would increase to around 2.7 metres from number 62, topped with a pitched roof that would slope away from that property.
7. The net result would be to significantly restrict the outlook from the ground floor windows of number 62 and to interrupt a degree of light to the windows which face directly onto its small open area. It is also probable that the proposed extension would create a degree of overshadowing to that area during the early part of the day. In these regards I concur with the Council view that the net effect would be harmful to the occupants of number 62 for these reasons.
8. I am aware that the current occupiers of number 62 have not raised objection to the proposal and are content for the party wall to be increased as indicated in the submitted plans. I have noted this and attach weight to it, but decisions must be made on the planning merits of the proposal when considered against development plan policies. Future occupants might well have a different view of the development proposed.
9. The Appellant has also indicated that an extension of not dissimilar proportions could be undertaken under permitted development rights. That might be so, but I find that this proposal, which does require the sanction of planning approval, is defective for the reasons outlined above and is therefore in conflict with saved policies QD14 and QD27 of the Brighton and Hove Local Plan.
10. For the reasons set out above, and having had full regard for all other matters raised, I therefore conclude that this appeal should not succeed.

Michael Aldous

INSPECTOR