



Appeal Decision

Site visit made on 19 July 2010

by **Sheila Holden**
BSc MSc CEng TPP MICE MRTPI FCIHT

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

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Decision date:
26 July 2010

Appeal Ref: APP/Q1445/A/10/2121169

Garage adjacent to 51 St Lukes Terrace, Brighton BN2 9ZE

- 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 Chevonne Kord against the decision of Brighton & Hove City Council.
- The application Ref BH2009/00969, dated 17 April 2009, was refused by notice dated 3 August 2009.
- The development proposed is extension and alteration of garage to form a one bedroom house.

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are the effects of the proposed extension and alterations on the:
 - a] living conditions of the occupiers of Nos. 46/48 and 50 Queens Park Rise in relation to loss of outlook and overshadowing;
 - b] living conditions of future occupants of the proposed dwelling with particular reference to outlook;
 - c] character and appearance of the area in relation to the proposed porch.

Reasons

3. The existing garage adjacent to No 51 is a utilitarian structure with a flat roof set in front of the prevailing building line along St Lukes Terrace. The north-western wall of the existing garage is close to the rear of Nos. 46 and 48 Queens Park Rise which comprises of flats on the ground and first floor. The north-eastern boundary of the site abuts the raised garden of No 50 Queens Park Rise. The proposal is to convert and extend the existing garage to create a 1½ storey one bedroom dwelling with an enclosed patio area to the front.

Living conditions of neighbours

4. I will first consider the effects of the proposed dwelling on the occupiers of the adjoining properties. The kitchen window of the ground floor flat of No 46/48 would look directly towards the north-western wall of the proposed new dwelling, which would be higher than that of the existing garage and above

which would be a new pitched roof. Even if this would only result in a small loss of light it would significantly increase the sense of enclosure in this part of the flat and in my view would appear overbearing. There is a secondary window on the north-eastern elevation of the building which would be unaffected by the proposal. However, it is much smaller and its outlook is already limited by the proximity of the boundary wall with No 50. This reinforces my view that the loss of outlook from the primary window would be harmful and could not be overcome by the use of white or cream render on the side elevation of the new dwelling.

5. The window of the first floor flat currently has an unobstructed outlook over the flat roof of the existing garage. This would be significantly reduced as it would look directly towards the sloping roof of the proposed dwelling which would be less than 3m away introducing a strong sense of enclosure which I consider would be harmful. No 50 has a small amenity area at the same level as the existing garage roof of No 51. The height and width of the gable end of the proposed dwelling would result in some overshadowing of this area given its position to the south-west. I also consider that it would give rise to a sense of enclosure to this amenity space making it a less pleasant place in which to be.
6. I consider this combination of factors means that the proposed new dwelling would be an un-neighbourly and overbearing form of development. I conclude that the development would result in a loss of outlook and an increased sense of enclosure for the occupants of Nos. 46/48 and 50 Queens Park Rise which would be harmful to their living conditions and contrary to saved Policy QD27 of the Brighton & Hove Local Plan which seeks to protect the amenity of adjacent residents. I consider this matter alone to be of sufficient weight to dismiss the appeal.

Living conditions of future occupants

7. I will now move on to consider the living conditions of future occupiers of the proposed dwelling. The proposed design incorporates large windows in the front elevation to provide light to the living room and lean-to opaque glazing at the rear to serve the kitchen. On the first floor French doors and a Juliette balcony would provide both light and outlook from the bedroom. The Council consider that the proposal would receive adequate levels of natural light and I concur with that assessment.
8. The outlook from the ground floor would be limited to the small enclosed patio area at the front of the house and towards the wall which would abut the rear of the footway. There would be no outlook at the rear. However, although the outlook from the dwelling would be limited and less than that of the surrounding properties I am not persuaded that this would give rise to unsatisfactory living conditions for future occupants. I consider it would be insufficiently harmful to justify the refusal of planning permission since potential occupiers would have a choice about whether or not the layout and outlook of the house would meet their needs. In this respect I conclude that the proposal would comply with saved Policy QD27 of the Local Plan which seeks to provide adequate amenity for future occupiers of development.

Character and appearance

9. St Lukes Terrace is just outside the Queens Park conservation area and is an architecturally mixed street which includes a number of undistinguished buildings and some high boundary walls. There is no dominant form or rhythm to the surrounding development. The appeal proposal incorporates amendments to a previously refused scheme and seeks to address concerns relating to its effect on the setting of the conservation area. I note that the conservation officer is now content with the proposed design, subject to the use of appropriate finishes on the external surfaces of the building, a matter which could be secured by an appropriate condition. In this context it seems to me that the porch, combined with the reduction in the height of the wall which currently forms the front elevation of the garage and the inclusion of an opaque glass block screen, would contribute to the visual interest and variety of features in the surrounding street scene. I consider this to be the case notwithstanding the height of the proposed porch and its protrusion in front of the prevailing building line.
10. For these reasons I conclude that the proposal would not be harmful to the character or appearance of the area and would enhance the setting of the conservation area. It would therefore comply with saved Policies QD1 and QD2 of the Local Plan which seeks high quality design that respects its setting.

Conclusions

11. Government policy is to encourage the efficient use of previously-developed land in urban areas. There is, therefore, no objection in principle to more intensive use of this site provided that this is not taking place at the expense of the local environment. I have found that the proposal would not be harmful to the character and appearance of the area and would provide an adequate standard of accommodation for future occupants. However, these positive attributes of the scheme and the benefits that would accrue from the provision of the additional dwelling would not outweigh the harm I have identified to the living conditions of the occupiers of the adjoining properties at 46/48 and 50 Queens Park Rise. For this reason and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Sheila Holden
INSPECTOR

