



# Appeal Decision

Site visit made on 3 August 2010

by **R J Perrins MA MCM**

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

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**Decision date:**  
**17 August 2010**

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## Appeal Ref: APP/Q1445/D/10/2131772

### "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 BH2010/00377, dated 10 February 2010, was refused by notice dated 4 May 2010.
- The development proposed is the demolition of existing garage, erection of two storey side extension.

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## Decision

1. I dismiss the appeal.

## Main issues

2. I consider the main issues in this case to be the impact of the extension upon the character and appearance of the original dwelling and the surrounding area and upon the living conditions of occupiers of No 3 Hillside Way.

## Reasons

3. The detached appeal property sits to the south of Valley Drive a predominantly residential road with a variety of house styles. To the south No 3 Hillside Way sits higher than the appeal property and views, from the rear of that dwelling, take advantage of the gap in the built form (between Nos 61 and 63) provided by the existing garage.
4. The property has a planning history which includes a recent appeal (dated 12 November 2009) against a decision for; *the erection of a 2-storey side extension* (APP/Q1445 /D/09/2114576). The previous Inspector found primarily that the proposed scheme would be harmful to the living conditions of the occupiers of No 3 Hillside Way.
5. I accept that the current proposal has sought to address the concerns of the previous Inspector it has lowered the roof height of the proposed extension. It would also provide a double fronted elevation in keeping with the properties to either side. I also accept that an individual design would be in keeping with this part of Valley Drive, given the variety of house styles nearby, and high quality materials would be used.
6. However, I was able to see that there are no other properties in this part of Valley Drive with a two-storey element served by a roof which would be

predominantly flat. Moreover, that element does not relate well and would be at odds to the style of the existing roof. It would to my mind be an incongruous addition to the original dwelling and street scene, drawing the eye and leading to unacceptable harm to the character and appearance of the original property and surrounding area.

7. I now turn to the second issue and I accept that a planning condition for obscure glazing to windows to the rear would resolve any overlooking issues. In addition views would remain for the occupiers of No 3 although, from my site visit, I was able to see that those views would be limited. The proposal would not, in my opinion, entirely address the concerns of the previous Inspector who found that the openness above the garage to be important given the particularly small gardens of No 3 and the appeal property.
8. The proposal would extend across much of the present gap and dominate the outlook from the garden, ground and first floor levels of No 3. It seems to me that the amendments have, once again, resulted in improvements to the previous proposals. However, they do not, given the closeness of the two properties, overcome the harm to the living conditions of occupiers of No 3 as previously identified. In my opinion the development would appear as an overbearing feature providing an unacceptable sense of enclosure to occupiers of No 3.
9. For these reasons and having considered all other matters I find that the proposal would be contrary to saved Policies QD1, QD2, QD14, QD27 of the Brighton and Hove Local Plan which, amongst other things, seek developments and extensions of a high standard of design and architectural detailing which take into account local characteristics and do not result in loss of amenity to neighbouring properties.

*Richard Perrins*

Inspector