



Appeal Decision

Site visit made on 6 September 2010.

by **B C Scott BA(Hons) Urban & Regional Planning MRTPI**

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

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Decision date:
9 September 2010

Appeal Ref: APP/Q1445/D/10/2132843

1 Furzedene, Furze Hill, Hove, East Sussex, BN3 1PP.

- 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 Debbie Shannahan against the decision of Brighton & Hove City Council.
- The application Ref: BH2010/00665, dated 3 March 2010, was refused by notice dated 28 April 2010.
- The development proposed is a single storey rear extension.

Preliminary Matters

1. The appeal application follows a previously refused scheme of greater depth (BH2009/01780).
2. The window detail of the adjoining dwelling shown on drawing no. PP01/02A is incorrect. I noted the actual relationship during my site visit and I am satisfied that this is not a determinative matter; the error being inconsequential.

Decision

3. I allow the appeal, and grant planning permission for a single storey rear extension at 1 Furzedene, Furze Hill, Hove, East Sussex, BN3 1PP, in accordance with the terms of the application Ref: BH2010/00665, dated 3 March 2010, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: PP01/01; PP01/02A.

Main Issue

4. I consider the main issue in this case to be the effect of the proposed development on the living conditions of the adjoining occupiers, with particular reference to outlook.

Reasons

5. The appeal dwelling is an end three-storey town house, staggered forward and set lower than its adjoining neighbour. The rear shared boundary is short. The

- proposed development would occupy a major part of that boundary at a height prominently above that of the existing fence. The thrust of saved policies QD14 and QD27 of the Brighton & Hove Local Plan 2005 is to protect residential amenity, including such things as the outlook of affected occupiers.
6. To my mind, the most telling features in this case pertain to the adjoining house, being the shape of its rear garden and the availability of first floor daytime living accommodation.
 7. The adjoining rear garden is shaped as a trapezium, which means that at positions progressively farther away from the shared boundary there is significantly greater depth and increasing size. Whereas the proposed development would occupy a major part of the shared boundary, it would not be excessive in relation to the increasing extent of the adjoining garden and would have limited impact overall. The Appellant's photographs clearly illustrate that.
 8. I examined the adjoining garden from both the Appellant's first floor lounge and study. I formed the opinion that the outlook of the adjoining occupiers is chiefly rearwards, over a park. Although it would be prominently above the fence of the shared boundary, the proposed development would have a flat roof. Given its limited impact overall (above), the proposed development would not significantly interfere with the adjoining occupier's use and enjoyment of their garden through an overbearing effect.
 9. The adjoining ground floor rooms comprise a kitchen and dining room, with the kitchen being closest to the shared boundary. As most of the daytime living accommodation is situated away from the shared boundary (at a distance or above it), I consider that no unacceptable loss of outlook would result from the proposed development along part of it.
 10. I note the other example of rearward extension to which my attention is drawn, but find no reason to consider the appeal before me other than upon its individual planning merits.
 11. I have considered all other matters raised, but none alters my conclusion on the main issue that the proposed development would not unacceptably affect the living conditions of the adjoining occupiers, in accordance with policies QD14 and QD27 of the Development Plan.

Conditions

12. In addition to the standard condition concerning time limit, the Council suggests I impose a condition concerning matching materials. Given that the appeal dwelling is part of a terrace that backs onto a public park, I consider it particularly relevant and necessary to impose such a condition in order to prevent a discordant result. I impose also a standard condition listing the plans/drawings to which my decision refers, for the avoidance of doubt.

B C Scott
INSPECTOR