



Appeal Decision

Site visit made on 6 August 2008

by **Alison Lea MA(Cantab) Solicitor**

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

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Decision date:
26 August 2008

Appeal Ref: APP/Q1445/A/08/2067691

Carlyle, Hallyburton Road, Hove, East Sussex BN3 7GP

- 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 T Voice against the decision of Brighton & Hove City Council.
- The application Ref BH2007/02876, dated 27 July 2007, was refused by notice dated 5 October 2007.
- The development proposed is the erection of a 2 storey extension to form a new one bedroom maisonette, alterations to the existing ground and first floor flats to include new windows, a new conservatory and kitchen refurb, and a new crossover and hardstanding for 2 cars to the front of the property.

Decision

1. I dismiss the appeal.

Main issues

2. The main issues in this case are the effect of the proposal on
 - (a) the character and appearance of the property and the surrounding area; and
 - (b) the living conditions of the occupiers of neighbouring properties and of future occupiers of the appeal property.

Reasons

3. The appeal property is a detached 2 storey building which has been converted into 2 self-contained flats. It is situated in a residential road consisting of a mixture of detached and semi-detached properties within plots of a variety of sizes. The proposal would introduce a 2 storey extension to the south and west of the existing building which would form a new one bedroom dwelling. Alterations would also be carried out to the existing ground and first floor flats.

Character and Appearance

4. The 2 storey extension would be to the side and rear of the building, set back a considerable distance from its front elevation, behind the existing car port and extending about 5m beyond the main rear elevation of the building. I agree with the Council that, as a result of its size and position it would be poorly integrated with the design of the existing building and would appear as an incongruous addition. In my opinion it would be contrary to Policy QD14 of the Brighton & Hove Local Plan (LP) which provides that extensions to existing

buildings will only be granted if they are well designed, sited and detailed in relation to the property to be extended. Furthermore it would extend beyond the general rear building line of properties on Hallyburton Road and in my view as result of its projection and siting would appear intrusive and out of keeping with the area when viewed from the rear gardens of neighbouring properties. It would also be visible from Hallyburton Road, from where, due to its siting and size, it would appear as an incongruous addition. Accordingly I conclude that the proposal would cause significant harm to the character and appearance of the appeal property and the surrounding area contrary to LP Policy QD14.

Living Conditions

5. The extension would be about 1.2 metres from the boundary with No 70, which property has a number of windows in its side elevation. Although I note that the windows are set back from the boundary, and that the occupiers of No 70 have not objected to the proposal, nevertheless in my view the extension, due to its height and proximity, would appear overbearing when viewed from those windows. Accordingly the proposal would be contrary to LP Policies QD14 and QD27 which provide amongst other matters that permission will not be granted for development which would cause a loss of amenity to adjacent occupiers.
6. The proposal would necessitate alterations to some of the windows in the ground and first floor flats. At ground floor a large rear window would be removed and replaced by a small window in the side elevation. This would look out towards the existing car port and an area proposed as storage space for cycles and refuse. At first floor a bedroom window would be significantly reduced in size resulting in a very small opening adjoining the deep flank wall of the extension and a rooflight would be introduced. The appellant has suggested that the revised arrangement would make a suitable and safer bedroom for a child, and states that all the changes would comply with building regulations. Nevertheless, I agree with the Council that the proposed alterations would result in rooms with an inadequate outlook, particularly in relation to the first floor flat, and I conclude therefore that the proposal would have a significant adverse effect on the living conditions of occupiers of the existing flats, contrary to LP Policy QD27.

Other Matters

7. Concern has been expressed about the proximity of the proposal to the South Coast railway line and the noise and disturbance which could arise. However, although the proposal would be closer to the railway line than the existing property, I note that due to the angle of the railway line in relation to Hallyburton Road there are a number of properties closer to the line than the proposed extension. No evidence has been provided with regard to noise levels, but given the distance between the property and the railway line and the existence of a substantial number of properties located at a similar distance or closer, I consider that noise from the railway line is insufficient reason to dismiss this proposal.
8. The Council has also stated that it has not been demonstrated that the development would achieve a high standard of efficiency in the use of energy, water and materials, contrary to LP Policy SU2. However, I am satisfied that

this could have been dealt with by means of an appropriately worded condition and accordingly have not considered this matter further.

Conclusion

9. I conclude however that the proposal would cause significant harm to the character and appearance of the appeal property and the surrounding area and to the living conditions of the occupiers of No 70 Hallyburton Road and the existing flats at Carlyle, contrary to LP Policies QD14 and QD27. Although I note the appellant's suggestion that the proposal would make more efficient use of land, such use should not be at the expense of the environment, and in this case I consider that the benefits of making efficient use of land are outweighed by the harm which would be caused.

Alison Lea

INSPECTOR