



Appeal Decision

Site visit made on 9 November 2010

by Sue Glover BA (Hons) MCD MRTPI

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

Decision date: 30 November 2010

Appeal Ref: APP/Q1445/A/10/2135492
36 Walsingham Road, Hove, East Sussex BN3 4FF

- 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 Roy Pook against the decision of Brighton and Hove City Council.
 - The application Ref BH2010/01431, dated 23 December 2009, was refused by notice dated 13 July 2010.
 - The development proposed is the creation of a one bedroom flat including a first floor rear extension, 4 roof lights and the insertion of new windows on the north and south original flank walls.
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Decision

1. I allow the appeal, and grant planning permission for the creation of one 2-bedroom flat including a first floor rear extension, 4 roof lights and the insertion of new windows on the north and south original flank walls at 36 Walsingham Road, Hove, East Sussex BN3 4FF in accordance with the terms of the application, Ref BH2010/01431, dated 23 December 2009, subject to the schedule of conditions set out in Annex 1.

Main issue

2. The main issue is the effect of the proposed first floor rear extension on the living conditions of the residents of no. 34 Walsingham Road in respect of outlook.

Reasons

Outlook

3. The proposed rear extension would project some 2.7m from the rear wall above part of the existing flat roofed single-storey rear extension. The extension would be significantly lower than the main roof and eaves. There would remain a gap of about 1m between the building at no. 36 and the boundary with the adjoining dwelling at no. 34.
 4. There are first and ground floor clear glazed windows in the rear and flank elevations of no. 34 closely positioned to the boundary with no. 36. No. 34's rear facing first floor bedroom window is at a high level. The roof of the
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- proposed extension would slope away from this window so that there would be no obtrusive or dominating effect.
5. The outlook from no. 34's ground floor rear facing room is already somewhat enclosed within a narrow light well. It is closely positioned near the boundary fence on one side with the single-storey extension at no. 36 protruding above the fence, and the rear projection of no. 34 on the other side. The outlook from this room would not be significantly altered by the proposed first floor extension.
 6. The 2 flank wall windows at no. 34 are a bedroom window on the first floor and a kitchen window on the ground floor. The kitchen window is secondary with patio doors facing the rear garden, which are unaffected by the proposed extension. There would therefore remain an acceptable outlook from the kitchen of no. 34.
 7. The first floor bedroom flank window is a principal window. It faces the existing first floor flank wall of no. 36, although this wall is set back from the boundary. Whilst the new wall would appear more dominating from this bedroom window, there would remain views across the flat roofed single storey extension. I therefore do not consider that the outlook from this bedroom window would be worsened to the extent that it would significantly harm residents' living conditions.
 8. The rear light well area of no. 34 currently houses a garden store and kayaks. There is limited space in the rear light well compared to the rest of the garden at no. 34 so that its further enclosure by the proposed extension would not unacceptably harm residents' living conditions in respect of the use of the garden.
 9. I conclude that there would be no significant increased sense of enclosure and therefore no material harm to the living conditions of the residents of no. 34 in respect of outlook. The proposal in this respect does not conflict with Policy QD27 of the *Brighton and Hove Local Plan 2005*.

Other matters and conclusions

10. Taking into account the scale and position of the proposed extension, and the position and orientation of windows in respect of no. 34's north facing projection, there would be no significant loss of daylight or sunlight to the residents of no. 34 from the proposal. There is no persuasive evidence before me to indicate that the proposal would introduce any security threat to nearby residents, or that the new bedroom created would have insufficient internal space.
11. The introduction of a new bedroom window on the existing flank wall of no. 36 would directly face the side wall of no. 34. There would be only oblique views towards no. 34's north facing windows, so that there would be no direct overlooking. Due to the positioning of the proposed roof lights and the separation distance, there would also be no additional overlooking towards no. 49 Carlisle Road. There would therefore be no harm to nearby residents' privacy.

12. The proposed rear extension is small and in keeping with the design of the existing building. Furthermore, it would not be readily visible from the street. The proposed window alterations are small scale and would not appear unduly prominent. The proposal would have no significant effect on the character of the host building and it would therefore preserve the character and appearance of the Sackville Gardens Conservation Area.
13. I have imposed conditions regarding details of external materials and the roof lights in order to ensure a satisfactory finished appearance. There are also conditions to ensure the implementation of the refuse and recycling facility and cycle storage facility.

Sue Glover

INSPECTOR

Annex 1

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: the 1:1250 location map, the 1:500 site plan, the existing plans dated Nov 09, the proposed details dated March 10, the daylight assessment dated March 10, and additional details, sheds for cycle storage and recycling and refuse storage.
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The roof lights hereby permitted shall be of a conservation type with steel or cast metal frames and be fitted and maintained at a level flush with the roof slope.
- 5) The provision of storage facilities for waste and recycling, and for bicycles, shall be carried out in accordance with the approved details. The storage facilities shall be made available prior to the first occupation of the one bedroom flat hereby permitted and thereafter retained at all times.