



Appeal Decision

Site visit made on 23 November 2010

by J M Trask BSc (Hons) CEng MICE

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

Decision date: 30 November 2010

Appeal Ref: APP/Q1445/D/10/2138811

8 Peacock Lane, Brighton, East Sussex BN1 6WA

- 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 David Daly against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/01750, dated 26 May 2010, was refused by notice dated 29 July 2010.
 - The development proposed is a two storey extension to the rear including a roof conversion (hip to gable).
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Decision

1. I dismiss the appeal.

Main Issues

2. The main issues in this appeal are the effect of the proposal on the living conditions of neighbours in terms of outlook, light and visual impact and the effect on the character and appearance of the property and the area.

Reasons

3. The proposed extension would be across the full width of the house and the proposal would incorporate a new roof with barn ends. There is a first floor bay window serving a bedroom in the side wall of No10 which would be about 1.5m from the wall of the extension. The proposed wall would project about 5m beyond the bay window and more than one metre above it so that it would almost entirely occupy the outlook from the window. The extension would also substantially reduce the amount of light available to this window. The appellant has advised this is a secondary window but on my site visit I noted that the closest primary window was some distance further along the rear facing wall, which increases the importance of the bay window.
4. I have taken account of the BRE Report: *Site layout planning for daylight and sunlight*, the 45° rule and that the nearest first floor rear facing window at No10 has been blocked up. However, it is clear there would be a considerable loss of outlook and daylight to the side facing bay window at No10 and the proposed extension would be detrimental to the living conditions of the occupiers.
5. No6 is set forward of No8 and is at a lower level. The proposed 2 storey extension would infringe on the 45° line from the closest first floor rear facing window at No8 and, despite the trees on the boundary, the large unrelieved area of wall would dominate the conservatory and closest part of the garden.

Accordingly it would detract from the living conditions of the occupiers of No6 in terms of visual impact.

6. The houses in this location are of a similar design with hipped roofs and many have been extended. The proposal includes a large flat area of roof, which would be noticeable when seen at an angle, and barn ends that would be different to the prevailing roof type. The roof would appear larger than others in the area but the replacement of the incongruous flat roof to the existing side extension would be beneficial. While the proposed roof would not be the same as others, the houses are on a slope and the variation in height, together with the variations in roof shape resulting from previous extensions, means the proposal could be absorbed without significant detriment to the character and appearance of the area.
7. Although I have concluded that the scheme would not affect the character and appearance of the area to an unacceptable extent, I consider that on balance, that is insufficient to outweigh my conclusion on the effect on the living conditions of neighbours. The proposal conflicts with Policies QD14 and QD27 of the Brighton and Hove Local Plan which include the aim to protect the living conditions of the occupiers of adjoining properties.
8. I have seen no objections to the proposal from neighbours but, in itself, this is insufficient to justify the development. The proposal would include the removal of the elevated terrace which would improve the privacy of neighbours' rear gardens and the extension itself would reduce overlooking of the appellant's garden. However, neither this nor any other matter raised outweighs my conclusions on the main issues.
9. For the reasons given above I conclude that the appeal should be dismissed.

J M Trask
INSPECTOR