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# Appeal Decision

Site visit made on 21 June 2011

**by Elizabeth Lawrence BTP MRTPI**

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

**Decision date: 29 June 2011**

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**Appeal Ref: APP/Q1445/D/11/2152141**  
**41 Princes Terrace, Brighton, BN2 5JS.**

- 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 P Tyler against the decision of Brighton and Hove City Council.
  - The application Ref BH2011/00054, dated 7 January 2011, was refused by notice dated 7 March 2011.
  - The development proposed is described as rear extension to existing terraced house to form garden room and deck area at ground floor (street level) and utility room at basement (garden level).
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## Decision

1. I dismiss the appeal.

## Main Issues

2. The first main issue is the effect of the proposal on the character and appearance of the host property and the surrounding area. The second main issue is the effect of the proposal on the living conditions of the occupiers of Nos. 40 and 42 Princes Terrace, with particular regard to visual impact, privacy and sunlight.

## Reasons

### *Character and appearance*

3. Due to its elevated position the proposed garden room extension would be particularly prominent within the rear garden environment. Together with the existing dormer it would dominate and completely change the character and appearance of the rear elevation of the host property. At the same time it would disrupt the rhythm of the terrace, detracting from its simplicity and symmetry.
  4. It is noted that there are a couple of existing ground floor additions on neighbouring properties. However, rather than setting a precedent they serve to illustrate the harm that would be caused by the proposed extension.
  5. I conclude on this issue that the proposal would seriously and unacceptably harm the character and appearance of the host property and the surrounding
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rear garden environment. Accordingly the scheme would conflict with policies QD1 and QD14 of the Brighton & Hove Local Plan 2005. Together and amongst other things these policies require extensions to be well designed, sited and detailed in relation to the host building, neighbouring properties and the surrounding area.

*Living conditions*

6. The proposed garden room extension would be some 2.5 metres in height, 3.4 metres in depth and would abut the boundary with 42 Princes Terrace. It would be immediately adjacent to the rear terrace at No.42 and close to the rear ground floor windows and doors to that property.
7. As a result of these factors the proposed garden room extension would dominate and have an overbearing impact on the outlook from the adjacent rear ground floor room and the terrace at No.42. In addition, the proposed 1800mm high fence panel would exacerbate the sense of enclosure that would be caused by the development. The scheme would therefore materially harm the living conditions of the occupiers of No.42.
8. The proposed extension would be sited to the north of No.42, where it would not result in a material loss of sunlight to that property. Whilst it would be sited to the south of No.40, it would be some two metres from the boundary of that property and over 2.5 metres from the closest window. As a consequence the proposal would not result in a material loss of sunlight within the dwelling at No.40.
9. The level of privacy on the terrace at No.42 would be increased and the level of overlooking of the adjacent rear gardens would be comparable to the existing situation. As such the proposal would not result in a material loss of privacy for the occupiers of No.42.
10. The glazed side doors of the proposed garden room would face directly onto the terrace at No.40 and accordingly would result in the direct overlooking of that terrace. However there is already direct inter-looking between the terraces. For this reason the level of proposed over-looking would not in itself amount to a reason for dismissing this appeal.
11. I conclude on this main issue that the proposal would materially and unacceptably harm the living conditions of the occupiers of the ground floor at No.42 due to its overbearing visual impact. Accordingly the scheme would conflict with policies QD14 and QD27 of the Local Plan which seek to ensure that new development does not cause significant harm to the living conditions of existing residents.

**Conclusion**

12. The conclusions on both main issues represent compelling reasons for dismissing this Appeal, which the imposition of conditions would not satisfactorily address.

*Elizabeth Lawrence* INSPECTOR