



Appeal Decision

Site visit made 29 June 2011

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

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

Decision date: 1 July 2011

Appeal Ref: APP/Q1445/D/11/2151870

52 Waldegrave Road, Brighton, East Sussex, BN1 6GE.

- 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 Mrs Angela Escott against the decision of Brighton & Hove City Council.
 - The application Ref: BH2010/03758, dated 3 December 2010, was refused by notice dated 1 February 2011.
 - The development proposed is demolition of existing conservatory to rear to be replaced by single storey extension.
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Procedural Matters

1. The appeal site is within the Preston Park Conservation Area (PPCA) for which I have a duty under section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* to pay special attention to the desirability of preserving or enhancing its character or appearance. The Council raises no objections in that regard. Given that the form and scale of the proposed development largely exists at the rear of the appeal dwelling, I am satisfied that no harm to the PPCA would result.

Decision

2. The appeal is allowed and planning permission granted for demolition of existing conservatory to rear to be replaced by single storey extension at 52 Waldegrave Road, Brighton, East Sussex, BN1 6GE, in accordance with the terms of the application Ref: BH2010/03758 dated 3 December 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans, all dated 03/12/10: LO-1; LO-2; and LO-3.
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The views of local residents have been taken into account in reaching this decision.

Main Issue

3. 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

4. The appeal site is in a high density urban area of period housing. It is a house of generic style with a substantial, original two-storey rear spur, around which is a flat-roofed side extension and a rear conservatory. That configuration is beside the similar rear spur and a conservatory of the adjoining house (no.50). Kitchen and bathroom windows of the respective dwellings face across the intervening side spaces, over the shared boundary.
5. The proposed development would increase the height of the side extension, due to the introduction of a parapet wall, and would lengthen the flank wall rearwards to the limit of the conservatory, which would go. The thrust of policies QD14 (in this context) and QD27 of the Brighton & Hove Local Plan 2005 is to protect the amenity of adjoining occupiers
6. A particular feature of the appeal site is the ground level, which is substantially above that of the adjoining house. Even so, from my examination of the respective side spaces, I came to the conclusion that the outlook of the adjoining occupiers is typically restricted due to the high-density urban character of the area and not due to any difference in ground levels. That outlook, in any event, is from a kitchen window.
7. The increase in height involved with the appeal scheme would be relatively modest. The proposed resultant flank wall would not be fully on view because of the shared boundary treatment. Given that the proposed development would be similar in scale and form to what already exists, I am satisfied that the outlook of the adjoining occupiers would not suffer through an overbearing impact.
8. I note those other examples and an appeal decision to which my attention is drawn. Also, I acknowledge that the appeal scheme would have a limited extent in relation to permitted development. Nevertheless, I find no reason to consider the appeal before me other than upon its individual planning merits.
9. 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 the requirements of policies QD14 and QD27 of the Development Plan, which leads me to allow the appeal.

Conditions

10. In addition to the standard condition concerning time limit, in view of the location of the appeal site and in the interests of avoiding a discordant result, I impose a condition to require matching materials. I impose also a standard

condition listing the plans/drawings to which my decision refers, for the avoidance of doubt.

B C Scott

INSPECTOR

