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# Appeal Decision

Site visit made on 7 October 2011

by **C J Leigh** BSc(Hons) MPhil(Dist) MRTPI

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

Decision date: 10 October 2011

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## Appeal Ref: APP/Q1445/D/11/2159495

### 11 Old Farm Road, Brighton, BN1 8HE

- 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 R Reeve, against the decision of Brighton and Hove City Council.
  - The application Ref BH2011/01615, dated 2 June 2011, was refused by notice dated 28 July 2011.
  - The development proposed is a single storey rear extension.
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## Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 11 Old Farm Road, Brighton, BN1 8HE in accordance with the terms of the application, Ref BH2011/01615, dated 2 June 2011, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 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: 477/01 & 477/02.

## Reasons

2. The main issue in this appeal is the effect of the proposed development on the living conditions of adjoining occupiers. There is an existing conservatory to the rear of the appeal property which evidently causes some degree of intrusion to the neighbouring property of 12 Old Farm Road: they have erected a screen the full depth within their garden to prevent overlooking, and the depth and height of the conservatory/screen is appreciable in the outlook from No. 12 and levels of light to that property.
  3. The proposed development would see the demolition of the existing conservatory. The new extension would be to the same depth and have very similar eaves height. There would consequently be no material difference to the levels of light or degree of outlook to No. 12. The removal of the glass conservatory wall would represent an improvement to levels of privacy to No. 12. The occupiers of No. 12 have raised no objection to the proposal, provided sympathetic materials are used and building occurs on the correct boundary.
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The distance retained to the other adjoining property of No. 10 is sufficient to ensure no harmful effect upon the living conditions of those occupiers.

4. The proposed development would therefore be consistent with the objectives of Policies QD14 and QD27 of the Brighton and Hove Local Plan 2005, which seek to ensure all new development is not harmful to the amenity of neighbouring properties. Permission is granted with a condition attached requiring matching materials to ensure a satisfactory appearance to the development. I have also imposed a condition identifying the approved plans because, otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

*C J Leigh*

INSPECTOR