



Appeal Decision

Site visit made on 1 November 2011

by Michael Evans BA MA MPhil DipTP MRTPI

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

Decision date: 4 November 2011

Appeal Ref: APP/Q1445/D/11/2161374
95 Loder Road, Brighton BN1 6PL

- 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 and Mrs Kevin Mills against the decision of Brighton and Hove City Council.
 - The application Ref BH2011/01899, dated 28 June 2011, was refused by notice dated 1 September 2011.
 - The development proposed is a single storey rear ground floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear ground floor extension, at 95 Loder Road, Brighton BN1 6PL, in accordance with the terms of the application Ref BH2011/01899, dated 28 June 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin 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: 100 A, 101 A, 200 and 201 A.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed in the side elevations of the extension that face towards no. 93 and 97 Loder Road other than those shown on the approved plans.

Main Issues

2. The main issues in the consideration of this appeal are:
 - The effect of the proposal on the character and appearance of the host dwelling and surrounding area.
 - The effect on the living conditions of the occupiers of the adjacent dwelling at 97 Loder Road, in respect of sunlight,
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daylight and whether the extension would have an overbearing impact.

Reasons

3. The appeal concerns a dwelling located within a terrace characterised by the presence of two storey rear outriggers that span pairs of properties. The proposed extension would fill in the gap between the side of this projection and the boundary with no. 97 while also extending about 1.2m beyond the end and wrapping around it.
4. However, it would be of a relatively modest scale and height in relation to the larger existing projection. It would also appear as a distinct later addition, so that the characteristic form and extent of the original outrigger would remain fairly apparent. The noticeably more prominent roof and upper part of the rear projection would also be unchanged. As a subordinate infill addition the part to the side would reflect the former presence of the light well, with the noticeably larger two storey projection remaining the dominant feature at the rear. The proposal would not therefore detract from the repetitive nature of the rear of the terrace.
5. As a consequence of these factors, it is concluded that the character and appearance of the host dwelling and surrounding area would not be harmed. In consequence, there is compliance with the relevant aims of Brighton and Hove Local Plan 2005, Policy QD14. These include that the extension is well designed in relation to the property to be extended and the surrounding area.
6. The relatively modest single storey height of the extension, with the roof sloping down towards the boundary, would appreciably limit the effect of the proposal despite the depth of about 7m. In consequence, the extension would not have an overbearing impact and there would be no undue sense of enclosure, or unacceptable loss of sunlight or daylight at the neighbouring property. Because of the domestic use of the enlarged dwelling there would be no undue noise and disturbance.
7. Consequently, it is concluded that the living conditions of the occupiers of the adjacent property at 97 Loder Road would not be harmed. The proposal therefore accords with Local Plan Policies QD14 and QD27, which, among other things, seek to avoid such adverse effects.
8. Any need to access the adjacent property for maintenance purposes is a matter for the respective parties. No undue precedent would be set for additional development as the proposal is acceptable in any event and projects elsewhere would need to be considered in relation to their own individual circumstances. The roof extension the subject of a separate scheme has no significant bearing on the acceptability of the current proposal, which must be assessed on the basis of its own specific effect.
9. Because of the absence of harm that has been found and taking account of all other matters raised, it is determined that the appeal succeeds. In reaching this decision the representations of local residents have been considered.
10. 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. A condition specifying the approved plans is therefore justified. A condition requiring the facing materials of the extension to match those of the existing building would protect the visual amenities of the area. In order to avoid undue overlooking of neighbouring properties it is necessary to prevent the insertion of additional windows in the sides of the addition under permitted development rights.

M Evans

INSPECTOR

