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# Appeal Decision

Site visit made on 6 December 2011

**by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI**

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

**Decision date: 20 December 2011**

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**Appeal Ref: APP/Q1445/A/11/2161067**  
**54A Upper Lewes Road, Brighton BN2 3FH**

- 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 Phil Collins against the decision of Brighton and Hove City Council.
  - The application Ref , BH2011/01031 dated 2 April 2011, was refused by notice dated 25 July 2011.
  - The development proposed is an extension at second floor level to form additional flat.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in this case are the effects of the proposal on:
  - the character and appearance of the area;
  - the living conditions of neighbouring occupiers.

## Reasons

### *Character and Appearance*

3. The appeal proposal would add an additional storey onto an existing annex at the rear of number 54 Upper Lewes Road. Changes in the ground level mean that this annex, numbered 54A, currently has two storeys on the south east elevation facing number 54 and a single storey on the north west elevation facing the garden area. Part of a residential terrace, number 54 has three storeys, whilst the properties on either side of it have two storeys.
  4. The annex extends almost the full width of the garden and most of its length. It is the only building of its type in the immediate vicinity and is visible from a range of viewpoints in the gardens and from the rear of the houses in Upper Lewis Road and the adjoining Roundhill Crescent. The proposed second floor extension would significantly increase its prominence from these viewpoints. At present the annex has a part pitched and part flat roof which offers a degree of articulation and visual interest. Both sides of the proposed extension would have flat topped parapet walls with no articulation or relief. I therefore consider that the increase in its height and scale together with its rather blocky
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massing would be visually intrusive and have a detrimental impact on the character and appearance of the area.

5. Together policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan (LP) require proposals, including extensions, to have a high standard of design, take into account their relationship with existing buildings and to enhance the positive qualities of local neighbourhoods. The proposed extension would not comply with these aims.
6. The second reason for refusal refers to the height of the extension relative to number 54 and its potential effect on the Upper Lewis Road street scene. Given that the extension will be behind a continuous terrace including number 54, and that any reasonable viewpoint along Upper Lewis Road would be well below the ridgeline of that terrace, I am satisfied that the extension would not be seen from Upper Lewis Road irrespective of its exact height relative to number 54 or indeed the houses either side.

#### *Living Conditions*

7. The proposed flat would have a balcony running most of the width of the annex facing the rear garden of number 54A. The ground floor flat below has exclusive use of this garden as private amenity space. In view of the size of the balcony and the confined nature of the space it would overlook, I consider that it would lead to a loss of privacy sufficient to adversely affect the living conditions of the ground floor flat. The screening effect of the flat roof below the balcony would not adequately mitigate this impact.
8. The balcony would also offer views over the boundary fence towards the gardens and rear elevations of the Roundhill Crescent houses. Whilst this would result in some loss of privacy, of itself this would not be enough to justify dismissing the appeal.
9. The annex sits on the north-eastern boundary of the site and the extension would significantly increase its height. It would therefore reduce the amount of daylight received by the house and a substantial part of the garden of number 55. It would also reduce the amount of sunlight received during the latter part of the day.
10. The annex is close to the property boundaries on both sides and in both cases the adjoining gardens are relatively narrow. The increased height of the extension would not be mitigated by any set backs or other features. As such I consider that the additional bulk of the extension, in close proximity to these constricted spaces, would have an unacceptably overbearing effect on both adjoining properties.
11. By virtue of the loss of privacy, daylight, sunlight and its overbearing presence the proposal would be detrimental to the living conditions of neighbouring occupiers. It would therefore be contrary to LP policy QD27 which seeks to protect the amenity of adjoining residents.

#### *Conclusion*

12. I have taken into account the appellant's contention that the proposal would improve the appearance of the area, create a new dwelling and lead to a more intensive use of previously developed land in accordance with Government

advice and the Local Plan. However none of these points lead me to change my conclusion on the main issues.

13. I have also taken into account the objections of neighbouring occupiers regarding loss of privacy, noise and disturbance, waste control, maintenance issues and the potential presence of slow worms. However, none of these matters change my overall conclusion.

14. For the reasons outlined above the appeal should not succeed.

*Simon Warder*

INSPECTOR

