



Appeal Decisions

Site visit made on 15 February 2012

by M T O'Rourke BA (Hons) DipTP MRTPI

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

Decision date: 17 February 2012

Appeal A: APP/Q1445/A/11/2163668

19 Osmond Gardens, Osmond Road, Hove BN3 1TE

- 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 Messrs V S and B Sharma against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/01082, dated 7 April 2011, was refused by notice dated 2 June 2011.
 - The development proposed is alterations and extension to roof to form new rooms.
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Appeal B: APP/Q1445/A/11/2163659

19 Osmond Gardens, Osmond Road, Hove BN3 1TE

- 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 Messrs V S and B Sharma against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/01983, dated 27 June 2011, was refused by notice dated 9 September 2011.
 - The development proposed is conservatory to rear of building – part retrospective.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Main Issues

3. The main issue in Appeal A is the effect of the proposed development on the appearance of the original building and the main issue in Appeal B is the impact on those living in the adjoining property in terms of their outlook and privacy.

Reasons

4. No. 19 is at the end of a line of 3 pairs of similar semi detached houses on the east side of Osmond Gardens and is to the south of 18 Davigdor Road on the corner. The property is a registered house in multiple occupation (HMO). From the street it is two storeys in height with accommodation in the roof. At the rear there is an original two storey gable projection, matched on No. 17, with the same eaves height as the main house and the same roof pitch as the side slope of the main house roof. The gardens on this side of Osmond Gardens are lower than the ground floor level of the houses with steps down to the gardens from patios contained by the rear projections.

Appeal A

5. The proposal is to raise the ridge line of the rear projection by around 1.5m so as to increase the internal head room to provide two additional bedrooms and a bathroom. By introducing what is essentially a third floor, it would significantly change the external appearance of the backs of the pair of houses. The roof slope of the rear projection when extended would not longer run into that of the main house but would appear as a taller, rather top-heavy and uncomfortably proportioned addition.
6. I noted on my site visit that there are clear views of the rear elevations of the properties in Osmond Gardens from Davigdor Road looking across the garden of No. 18. Whilst the corner house is of a different design, the uniformity and symmetry of the matching rear projections is a particularly noticeable and attractive feature of the pairs of semi-detached houses at 9 to 19 Osmond Gardens. The increase in height of the rear projection of No. 19 would not be a sympathetic alteration to the property. It would unbalance the pair and detract from the appearance of the rear elevation of the Osmond Gardens properties.
7. Contrary to the appellant's suggestion, the Council is not making the case that semi-detached properties cannot be extended unless both owners agree on the same works. The concern here is with the uniform character of the rear elevation of this small group of semi-detached properties which can be seen from the public realm and where the alteration to increase the height of the rear projection to No.19 would stand out and spoil the group.
8. The Council has raised concerns as to whether the extension could be built without the ridge of the new roof projecting above that of the side dormer. The notes on drawing OG19PRO/07 refer to the contractor ensuring that the ridge would be obscured by the side dormer ridge even though the drawing appears to show the new ridge above the dormer. Whilst the appellant's agent has passed on assurances from the architect that the site measurements are correct I do not find that to be a particularly helpful or satisfactory response to the discrepancy.
9. I conclude that the proposed alterations and extension to the roof would harm the appearance of No. 19 and that of the surrounding area and therefore would not comply with the requirements and objectives of saved policy QD14 a. of the Brighton and Hove Local Plan (2005) or advice in the Council's Supplementary Planning Guidance on Roof Alterations and Extensions which seeks to ensure that these are carefully sited and well designed.

Appeal B

10. The proposal is for the construction of a rear conservatory essentially infilling between the common boundary with No. 17 and the side of the existing rear projection and measuring some 6.7m deep by 3.7m wide. As the conservatory would be at the same level as the ground floor of the house, a raised brick base with a plinth has already been constructed to a height of approximately 2.2m with new steps constructed beyond the rear wall of the house leading down to the garden.
11. Whilst the conservatory would be inset by some 200mm from the boundary, having regard to its rearward extent and height, it would appear as an imposing and large structure when viewed from the ground floor window of the adjoining property. There is a wall on the common boundary. However this

drops away by the original garden steps of No. 17 and at the bottom of the steps and from the garden of No. 17 the full height of the built up base and conservatory would be apparent. The side wall of the conservatory would be higher than the existing wall and it would contain the outlook from the ground floor room that is currently enjoyed and would give an increased sense of enclosure to the occupants.

12. As the side wall and roof of the conservatory would be obscure glazed, they would be less oppressive in appearance than a solid wall and roof and being on the northern side would not result in any loss of daylight or sunlight to No. 17. Nonetheless I consider that the development would still have an unacceptable overbearing impact on those living in the next door ground floor flat. However in that conditions could be imposed to require the retention of the obscure glazing and any windows to be non-opening the proposal would be unlikely to result in any additional overlooking than that might already be experienced having regard to the close relationship between the properties.
13. Local Plan policy QD14 b. requires that extensions should not result in loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties whilst save policy QD27 refers generally to the protection of amenity. Whilst there would be no harm in relation to daylight/sunlight, the proposed conservatory, by reason of its height, depth and position close to the boundary, would have an unacceptable and adverse impact on the amenities of those living in the ground floor flat at No. 17 in terms of giving an increased sense of enclosure, loss of outlook and having an overbearing impact. In that the proposal would cause a loss of amenity to the neighbouring residents, it conflicts with the objectives of Local Plan policies QD14 and QD27.

Conclusions

14. I have taken into account all other matters raised but none outweigh my conclusions, for these reasons given above, that both appeals should be dismissed.

Mary O'Rourke

Inspector

