



Appeal Decision

Site visit made on 6 February 2012

by David Harmston FRICS DipTP MRTPI

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

Decision date: 9 February 2012

Appeal Ref: APP/Q1445/D/12/2168283

18 Sandgate Road, Brighton, East Sussex BN2 6JQ

- 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 Steve Ross against the decision of Brighton and Hove City Council.
 - The application (Ref BH2011/02409), dated 15 August 2011, was refused by notice dated 20 October 2011.
 - The development proposed is the erection of a single-storey rear extension and the installation of 3no rooflights to rear roof slope.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the development on the living conditions of the occupants of the adjoining dwelling - No 20 Sandgate Road.

Reasons

3. The appeal property is a late Victorian, two storey, terraced dwellinghouse lying within a densely developed area of Brighton. It is proposed to erect a single-storey extension to the rear of the property together with the insertion of three rooflights into the rear roof slope. The depth of the extension as a rearward projection would be 4.415m across the full width of the site.
4. The extension would replace an existing rear addition and would project as far into the rear amenity area as the single-storey extension present at the property to the west. No 20 Sandgate Road is the dwelling to the east and this property has a single-storey addition to its rear set in from the boundary with the appeal site. The proposed extension at the appeal site would project beyond that addition by about 0.35m.
5. The character and appearance of the area insofar as it is defined by views of the rear of the long terrace of houses forming the development situated on the south side of Sandgate Road has been modified over the years from its original form by many additions and alterations to the buildings undertaken in a piecemeal fashion. For this reason the development, including the installation of the rooflights, would have little or no material or negative visual impact on the area and its appearance and design is therefore acceptable.

6. On the main issue, and whilst noting that the extension has been designed with a mono-pitch, glazed roof sloping towards the site's eastern boundary to minimise the impact of the development on No 20 Sandgate Road, the extension would nevertheless have a significant and adverse effect on the living conditions of the occupants of that dwelling. Due to the slight east to west gradient of the land, the appeal site is at a slightly lower ground level than No 20. The side elevation of the extension at the boundary would be about 2.2m in height. With its rearward projection extending beyond the rear of the addition to No 20 Sandgate Road, the net result would be a tunnelling effect in terms of the juxtaposition of the two adjoining buildings.
7. Saved Policy QD27 of the Brighton and Hove Local Plan seeks to protect adjacent residents from development proposals which would cause a material loss of amenity to them. Saved Policy QD14 is specific to proposals for the erection of extensions and alterations to existing buildings and states, at criterion (b), that developments of this type should not result in a significant loss of outlook, daylight, sunlight or amenity to neighbouring properties. Further, at paragraph 3.57 of the Local Plan, it is stated that an important guideline when assessing proposals of this kind is to check whether the extension cuts a 45-degree line drawn from the centre of the nearest ground floor window of a kitchen or a habitable room on a neighbouring property. It adds that it is not the length or height of the extension that is critical but its effects on the adjoining properties and in its appearance.
8. The development would conflict with the provisions of Saved Policy QD14 of the Local Plan and the supporting text thereto in its relationship to the ground floor window at No 20 Sandgate Road. Outward views therefrom would be adversely affected by the presence of the proposed extension and a significant loss of sunlight and daylight would be caused. For all these reasons the proposals are in conflict with the provisions of the development plan and unacceptable for the reasons I have given.
9. I have taken into account everything that has been put forward in support of the development including the references to other developments in the Brighton area. Nevertheless, each case falls to be considered on its own planning merits. I have taken into account and afforded weight to the representations made by the occupants of No 20 Sandgate Road. I have also seen copies of the correspondence between the appellant's representative and the Council relating to possible revisions to the proposals. Nothing, however, is of sufficient weight for me to reach any other conclusions on this matter.

David Harmston

Inspector