



Appeal Decision

Site visit made on 18 November 2008

by **David Asher BA DipTP MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
24 November 2008

Appeal Ref: APP/Q1445/A/08/2079117

61 St Leonard's Gardens, Hove, East Sussex BN3 4QA

- 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 Mike Ring against the decision of Brighton & Hove City Council.
- The application Ref BH2007/04287, dated 21 November 2007, was refused by notice dated 29 January 2008.
- The development proposed is the erection of a first floor extension over existing ground level extension with associated pitched roof.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue in this case is the effect of the proposed extension on the living conditions of people at 63 and 59 St Leonard's Gardens, with reference to loss of light and outlook.

Reasons

3. No 61 is part of a pair of semi-detached houses. The other half, No 63, has been divided into flats at ground and first floor levels. No 61 has a full width ground floor rear extension which extends about 4.2m from the rear wall of the house and the proposed first floor extension would be built above it. It would have hipped roof running back into the main roof.
4. At first floor level No 63 has a window into what appears to be a habitable room, which would be about 1.5m from the side of wall of the proposed extension. I have no doubt that, at this distance, an extension of the size proposed here would reduce light to this window unacceptably, and be wholly overbearing in the outlook from it. This is particularly so as No 61 lies to the south.
5. No 59 is part of the adjacent pair of semi-detached houses, and lies about 3m to the south. Although further from No 61 than No 63, in my view the proposed extension would be unacceptably overbearing when seen from the nearest first floor window in No 59, although since the extension would lie to the north it would not have a material effect on light to that window.
6. I conclude, therefore, that the proposed extension would materially harm the living conditions of people at Nos 63 and 59 because of loss of light and outlook, contrary to policies in the Brighton & Hove Local Plan 2005.

7. I acknowledge the family and other circumstances which led Mr Ring to make this application. However, they do not outweigh the harm which I have found, and Government guidance makes it clear that personal circumstances seldom outweigh the more general planning considerations.
8. I also acknowledge the support from the owners of Nos 63 and 59. However, I must consider the matter on its planning merits and for both present and future occupiers. In doing so I have found material harm, contrary to development plan policies, and this has led to my decision.

David Asher

INSPECTOR