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# Appeal Decision

Site visit made on 2 April 2013

**by David Harmston FRICS DipTP MRTPI**

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

**Decision date: 11 April 2013**

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**Appeal Ref: APP/Q1445/D/13/2193540**

**111 Goldstone Crescent, Hove, East Sussex BN3 6LS**

- 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 Mrs Anna Lee against the decision of Brighton & Hove City Council.
  - The application (Ref BH2012/03764) was refused by notice dated 21 January 2013.
  - The development proposed is the erection of a two-storey rear extension, a single-storey rear extension and loft conversion incorporating roof extension and rooflights. External alterations including ground excavation works to front and rear, creation of covered seating area, erection of new front porch, installation of new boundary wall, gates, driveway and associated works.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey rear extension, a single-storey rear extension and loft conversion incorporating roof extension and rooflights. External alterations including ground excavation works to front and rear, creation of covered seating area, erection of new front porch, installation of new boundary wall, gates, driveway and associated works at 111 Goldstone Crescent, Hove, East Sussex BN3 6LS in accordance with the terms of the application (Ref No:- BH2012/03764), dated 28 November 2012, subject to the following conditions:
  - (1) The development hereby permitted shall be commenced within three years of the date of this decision.
  - (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg Nos:- 128GC1/01; 128GC1/02; 128GC1/03; 128GC1/04; 128GC1/05; 128GC1/06; 128GC1/07; 128GC1/08A; 128GC1/09; 128GC1/10 and 128GC1/11.
  - (3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - (4) No windows other than those shown on the approved plans shall be constructed within the side elevations of the extension hereby permitted.

## Reasons

2. No 111 Goldstone Crescent is a substantial, two-storey, detached house facing the east side of the road overlooking Hove Park. The surrounding area is

- characterised by the presence of similarly-designed, large, detached houses fronting the main road many of which have appear to have been altered and extended over the years. As in the case of the appeal property, most of the houses in this section of Goldstone Crescent have the majority of their front amenity areas paved over to provide off-street car parking spaces.
3. The proposed alterations to and enlargement of the building are substantial in scope and extent. They can be summarised as follows. The erection of a 'stepped' two-storey rear extension; a loft conversion with two new rooflights in each of the front and rear elevations; a new front porch; the re-modelling and re-grading of part of the rear garden with a covered seating area; a small 'rounding-off' at the north-western corner of the house at its front; a new front porch and works (including excavation) to the front amenity area to reconfigure the parking area and access with a new boundary wall and gates.
  4. The Council refused the application for two reasons concerning, in summary, the visual impact of the rear extension and rear rooflights and the effect of the development on the amenities of the residents of No 113 Goldstone Crescent by reason of loss of outlook and overbearing impact. Insofar as the works at the front of the property are concerned featuring the new rooflights, the minor extension to its front corner, the new porch and all the proposals for the modified parking area and altered access, including the new boundary wall and gates, the Council raises no objections to these components of the overall development. Indeed some elements of the proposals are considered to represent an improvement to the appearance of the property.
  5. Despite the reservations expressed by a neighbour concerning the fact that the re-formed front car parking area and driveway would be out of keeping with the general appearance of the neighbouring houses which generally have driveways rising above the main road, I consider that all of the above elements of the total scheme for the works to the front of the appeal property are acceptable and would not be the cause of any material harm to the character and appearance of the area or highway safety. In these respects the development would comply with policy QD14 of the Brighton and Hove Local Plan. The Highways Authority has raised no objections to the proposals and although I have noted the conditions which it has suggested<sup>1</sup>, these are unreasonable and unnecessary (or concern land outside the application site) bearing in mind the nature of the development and the fact that the proposals relate to the enlargement of a substantial and established dwelling.
  6. With these points in mind the outstanding main issues on which the outcome of the appeal should turn are, therefore, firstly; the effects of the rear extension and other works, including the loft conversion and the proposed rear rooflights, on the character and appearance of the area and, secondly; whether the development would be the cause of unacceptable harm to the living conditions of the occupants of No 113 Goldstone Crescent by reason of an undue loss of outlook, overshadowing of land or overbearing impact.
  7. Consent is sought for the erection of a single-storey rear extension to a depth of about 5m involving some minor excavation. Above would be a first floor

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<sup>1</sup> Retention of parking area; cycle parking provision and the reinstatement of the vehicular crossing.

addition extending outwards by about 3.5m to accommodate two bedrooms. The extensions would be inset from the side boundaries by about one metre with the ground floor width being just less than 11m with the first floor extension being inset from each side thereof so that its overall width would be about 7.7m. On its south-eastern side the side wall of the development would extend further outwards to enclose an outside seating area resulting in a total outward projection beyond the existing rear wall of about 9m. The roof space would be converted to provide an additional bedroom with four rooflights.

8. On the first main issue, policy QD14 of the local plan allows for the extension and alteration of dwellings, including new rooms in roofspaces, where the development can be achieved in compliance with a number of criteria. Amongst other matters these are that the development is well-designed, sited and detailed in relation to the property; that account is taken of the existing space around the building and the character of the area; that appropriate gaps are retained between the extension and the side boundaries and that the proposals would not result in a significant loss of daylight, privacy, outlook or amenity to neighbouring properties.
9. As far as the effect of the development on the character and appearance of the area is concerned, I note that several of the nearby properties have already been extended rearwards to a significant degree. Particularly, No 113 Goldstone Crescent has a rear extension and a conservatory which projects by about 3.8m further to the rear beyond the extent of the proposed extension at the appeal property. Similarly, at No 109, there is a rear addition.
10. The first floor addition with its pitched roof would be set in from each side of the extension beneath it, away from the side boundaries. Its design respects that of the existing building and, despite its size, I consider that the overall character of the extension would be subservient in appearance to that of the host building. The rooflights proposed in the rear roof extension of the development would not be overly large in the context of the building and would be centrally located within the roofslope. I do not consider that they would be overly conspicuous or visually harmful in this setting.
11. Although the proposed extensions would be substantial in scale and size, and would introduce a significant bulk of new building into the rear amenity area of the property, bearing in mind the substantial, retained depth of the rear garden and the juxtaposition and scale of the adjoining dwellings as they have been extended, I do not consider that any undue harm would be caused to the character and appearance of the area on this issue. The design of the development is in sympathy with the existing building and, with the use of matching materials, in all key respects I consider that the development would meet the objectives of policy QD14 of the local plan on this issue.
12. On the second main issue, the property most directly affected by the development would be No 113 Goldstone Crescent and I have seen and read the representations on this matter made by the occupiers of that dwelling. As a straightforward point, policies QD14 and QD27 of the local plan combine in their thrust in seeking to ensure that extensions to dwellings should not result in a significant loss of privacy, outlook or daylight/sunlight to neighbouring dwellings thus causing a material loss of amenity to the occupiers of their

properties. Account will be taken of sunlight and daylight factors, the relationship of one property to another and any overbearing impact.

13. As the Council points out, the development involves the addition or repositioning of various windows in the side elevations of the property all of which would be fitted with obscure glass at first floor level.<sup>2</sup> A condition would be appropriate in this instance to ensure that no additional windows were constructed in the side elevations of the extension to preclude any overlooking of the adjoining properties. From the rear elevation looking out towards the garden the new windows in the bedrooms at first floor level would not be the cause of any materially greater degree of overlooking than is already the case.
14. There is a kitchen window in the side elevation of No 113 Goldstone Crescent facing towards the appeal site. The side elevation of the extension at ground floor level would be more than 3m away from this window and the first floor addition even further. Having regard to the distance between buildings, the design of the extension and notwithstanding the change in land levels between Nos 111 and 113, whilst some negative impact on the living conditions of the residents of the adjoining property to the development would be experienced, I consider that in terms of any undue loss of daylight/sunlight, overshadowing, or an excessive degree of overbearing impact, the development would not be so unneighbourly in these respects as to warrant a refusal of permission on this issue. I conclude that the development would be in compliance with policies QD14 and QD27 of the local plan on this issue.
15. As to conditions, it is necessary to impose a requirement in respect of the time duration of the consent and I have specified the approved drawings in the interests of proper planning and for the avoidance of doubt. Although not suggested by the Council it is necessary for the external materials to be used in the construction of the development to match those in the existing building, in the interests of visual amenity. As I have already concluded a condition needs to be imposed preventing the construction of any further windows in the side elevations of the extension to avoid any intrusive overlooking of the adjacent houses and their gardens.
16. I have carefully considered everything that has been put forward in opposition to this development but nothing that I have seen or read is of sufficient weight to alter my conclusions above and the reasons for them.

*David Harmston*

Inspector

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<sup>2</sup> The windows in question are for the four bathrooms.