



Appeal Decision

Site visit made on 17 December 2008

by **J M Trask BSc (Hons) CEng MICE**

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

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Decision date:
23 December 2008

Appeal Ref: APP/Q1445/A/08/2081617 8 Benfield Crescent, Portslade BN41 2DB

- 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 S Smythe against the decision of Brighton & Hove City Council.
- The application Ref BH2008/00059, dated 24 December 2007, was refused by notice dated 31 March 2008.
- The development proposed is a two storey rear extension and roof conversion.

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the existing property and street scene, the effect on the living conditions of neighbours in terms of daylight, sunlight and outlook and whether waste from the construction would be managed in a sustainable manner.

Reasons

3. The appeal site is in a residential area where there is a mix of dwellings including houses and bungalows. Although the proposed ridge height would be similar to that of No6, the ridge would be parallel with the road and this, together with the half hipped ends, would result in the roof appearing bulky and top-heavy. The roof would appear mismatched with the house and would be a prominent feature, apparent from Mill Lane as well as Benfield Crescent. The enlarged house would also be inconsistent with its neighbours, particularly No10 which is a bungalow, and would be incongruous in the street scene.
4. The proposed dormer would be larger than the windows in the rear elevation and, while I accept that it may not be appropriate to reflect the irregular position of the windows in the rear elevation, the dormer would include a large amount of cladding and would be a substantial size increasing the top-heavy effect of the roof. I conclude the proposal would detract from the character and appearance of the existing property and street scene and conflicts with Policy QD14 of the Brighton and Hove Local Plan and the adopted supplementary planning guidance note 1: Roof Alterations and Extensions.
5. The rear extension would be separated from the boundary with No10 by the existing single storey utility room and garage. However the proximity and scale

of the 2 storey side wall of the extended house would limit the daylight available to the side window of No10, that the Council has confirmed serves a bedroom, and would further reduce the outlook. The extension would also increase the overshadowing of the window, and while this would be limited to a short period in the morning, this window currently receives little sunlight and therefore, any additional loss would be particularly harmful. The window is close to the boundary but I do not consider that in this case it is unreasonable to limit alterations proposed by the appellants to take this into account. Although I accept that the room is not likely to be used much during daylight hours, early morning light can be an important feature of a bedroom particularly in an urban environment.

6. The windows in the side wall of No6 are obscure glazed and are unlikely to serve habitable rooms but even so there would be some loss of daylight and also some overshadowing of the rear of the house in late afternoon. I conclude the proposed extension would be detrimental to the living conditions of neighbours and would conflict with Policies QD14 and QD27 of the Brighton and Hove Local Plan.
7. No information has been submitted to indicate that construction waste would be minimised in accord with Policy SU13 and Supplementary Planning Document: Construction and Demolition Waste. However, in this case I am satisfied that a suitably worded condition could be imposed to ensure the objectives of the development plan are met.
8. Although I have concluded that, subject to condition, waste from the construction would be managed in a sustainable manner, I consider that on balance, my conclusion on the effect on the character and appearance of the existing property and street scene and the living conditions of neighbours are overwhelming reasons to dismiss this appeal. Accordingly, for the reasons given above I conclude that the appeal should be dismissed.

J M Trask

INSPECTOR