

---

# Appeal Decision

Site visit made on 9 May 2017

by **S J Papworth DipArch(Glos) RIBA**

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

Decision date: 19 May 2017

---

**Appeal Ref: APP/Q1445/D/17/3172364**  
**23 Tredcroft Road, Hove BN3 6UH**

- 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 & Mrs Mercer against the decision of Brighton & Hove City Council.
  - The application Ref BH2017/00221, dated 22 January 2017, was refused by notice dated 17 March 2017.
  - The development proposed is first floor rear extension and associated alterations.
- 

## Decision

1. I dismiss the appeal.

## Reasons

2. The main issue in this appeal is the effect of the proposal on the living conditions of neighbouring residential occupiers with particular regard to daylight and sunlight, and the visual effect on their outlook. Policy QD27 of the Brighton & Hove Local Plan seeks the protection of amenity and the supporting text refers to daylight, sunlight and outlook. Paragraph 56 of the National Planning Policy Framework states that the Government attaches great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
  3. The present building results from a planning history that includes side and rear extensions, so that the rear part of the dwelling projects beyond the two storey part as a single storey section having a hidden flat roof with a false pitch around its outer edges. Part of this roof area is glazed and two windows look out onto it from the first floor, neither of which gives ready access to the roof.
  4. The Council draw particular attention to the relationship between the appeal building, and 8 Benett Drive, which although numbered in the adjoining road, has been built with its south-west facing wall and windows parallel to and somewhat above the side wall of the appeal dwelling. The difference in levels is accounted for partly with a retaining wall on the mutual boundary and partly through the slab level of number 8 being raised again relative to an area of patio between it and the boundary.
  5. The present arrangement of the neighbouring dwelling is that the kitchen window and door benefit from an open aspect to the south-west, the high roof with its rooms built in at number 23 being mainly to the south-east and although plainly visible, are not over-dominant in the view and do not presently
-

- unduly adversely affect daylight, although there would be some shadowing effect due to the orientation. A large lounge-diner to the north-west end of the dwelling looks out over the flat roof and the rear garden to the appeal site. A television room on the far side of the kitchen was entered and from this less sensitive location, the present roof at number 23 was dominant in the outlook.
6. The proposed additional length of roof would place the outlook from, and light available to, the kitchen more akin to that experienced at present in the television room, and at this proximity, height and bulk, the adverse effect on the outlook from this more sensitive location would be harmful. The dining room window would also look out onto the proposed roof side-pitch and from a seat at the table this would appear a dominant feature, although the light reaching the room would be less affected due to the other windows in the lounge part, one facing north-west and unaffected by the proposal. In these considerations it is acknowledged that there is no right to a view, but solid built form that occupies a significant part of an outlook can cause harm in planning terms, and that is the case here.
  7. The garden to number 8 is small and mostly to the north-west of the dwelling, but this small size would make the area of patio between the two dwellings of more use than it might have been were the rear garden larger. That area of patio would be significantly adversely affected by the increased length of the high level roof, having regard to the differences in level being less than that for the main dwelling. There is reference to an extant permission to build in this area, but unless and until that occurs, it is the present arrangement that should be considered.
  8. Privacy has been referred to by respondents to the application, but whilst a view is available at present from a rooflight in a bedroom of number 23, the proposed new rooflights and glazing to the proposed French balcony are to be obscured, and this could be secured by condition were all else acceptable.
  9. In conclusion, the effect on the kitchen would be of harm to the outlook with the proposed roof appearing over-intrusive and there would be some loss of daylight. The effect on the light to the dining room would be less pronounced, but the outlook would be adversely affected when sat at the table, whilst the lounge would be still less affected. However, the effect on the lower patio in terms of daylight, sunlight and the visual dominance of the extended roof would be particularly acute, and in total, the effect on the living conditions of the neighbouring occupiers would be unacceptable and would fail the requirements of Policy QD27. The proposal does not reach the standard of design sought in the Framework and for the reasons given above it is concluded that the appeal should be dismissed.

*S J Papworth*

INSPECTOR