



Appeal Decision

Site visit made on 2 June 2008

by **Andrew M Phillipson** BSc CEng FICE
MIHT

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

The Planning Inspectorate
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Decision date: 09 June
2008

Appeal Ref: APP/Q1445/A/08/2066884 45-47 Cheapside, Brighton BN1 4GD

- 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 Westfield Investments Ltd against the decision of Brighton & Hove City Council.
- The application Ref BH2007/01607, dated 23 April 2007, was refused by notice dated 14 August 2007.
- The development proposed is an extension of two additional storeys to the existing block to create 5 additional two-bedroom flats and 1 additional one-bedroom flat. Also upgrading the existing block by re-cladding and replacing doors and windows.

Decision

1. I dismiss the appeal.

Main Issue

2. No 45-47 Cheapside is a three-storey block of flats. There is no dispute that the additional two storeys which it is proposed to add to the block would, in combination with the other alterations proposed, be acceptable in the street scene. The sole matter at issue is the effect the proposal would have on the living conditions of the occupiers of the adjoining house at No 44.

Reasons

3. No 44 Cheapside is a modest two-storey dwelling, at the rear of which is a small courtyard garden. The courtyard is surrounded by development on all sides and heavily shaded at present; indeed calculations submitted by the architects acting for the appellant show that sunlight currently does not reach the ground floor living room window that looks out into the courtyard. The kitchen window, which also faces the courtyard, only receives partial sunlight in the late morning in the summer months. As a consequence, the interior of the rear of the house is relatively gloomy. The courtyard, whilst pleasantly planted and maintained, is overlooked from the fire escape and back windows of the first and second floor flats on the appeal site.
4. With the development proposed, the limited sunlight which currently reaches the kitchen window would be blocked by the additional two storeys of flats. Importantly, the area of sky visible from the kitchen and living room windows and from the courtyard would also be materially reduced, thereby reducing the amount of daylight reaching them. The potential for overlooking, which to my

mind is already at or beyond the normal levels of acceptability, would also be increased materially by the additional flats proposed. Notwithstanding that the flats would be refurbished and re-clad with lighter materials, the overall effect would, in my judgement, be overbearing and harmful to the living conditions of the occupiers of No 44 to a degree that would bring the proposal into clear conflict with policy QD27 of the Brighton and Hove Local Plan.

5. In reaching this conclusion, I have taken into account all other matters raised. I have noted in particular that the refurbishment works proposed to the existing flats would significantly improve their appearance as seen from No 44, and accept that the lighter coloured cladding proposed to the extended block would, to some degree, offset the loss of daylight resulting from the reduction in the visible area of sky. These considerations do not, however, individually or in combination with the other benefits that the development would bring to the area, outweigh the harm that I have identified. I accordingly conclude that the appeal should be dismissed.

Andrew M Phillipson

Inspector