

Appeal Decision

Site visit made on 17 January 2017

by **David Hogger BA MSc MRTPI MCIHT**

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

Decision date: 30 January 2017

Appeal Ref: APP/Q1445/D/16/3161307

29 Rosebery Avenue, Woodingdean, Brighton, East Sussex BN2 6DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Ms Josie Hammond against the decision of Brighton & Hove City Council.
 - The application Ref BH2016/05177, dated 26 August 2016, was refused by notice dated 5 October 2016.
 - The development proposed is the demolition of the existing conservatory and garage and the erection of a 5.0m x 6.0m single storey rear extension, constructed from matching part rendered brickwork.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. I have determined the appeal on that basis and can confirm that I saw the site from the host property and the two adjacent dwellings.
3. The appellant states that the requirement of sub-section A.4(6) of the Order, with regard to sending the developer a copy of the Notice to adjoining neighbours advising them about the proposal, has not been met. I consider this to be an administrative matter for the Council, which in these circumstances does not have material consequences because it is clear who the most likely parties to be affected by the proposal would be (i.e. the two neighbours). There is no impediment, which I am aware of, to consultation between the appellant and the neighbours.

Reasons

4. The main issue is the effect of the proposed development on the living conditions of neighbours at 27 Rosebery Avenue, particularly in terms of outlook and increased sense of enclosure.
5. The host dwelling enjoys an existing extension in the form of a glazed conservatory, together with a detached single garage – both of which it is proposed to demolish. The proposed single storey extension would be on the footprint of the conservatory but according to the appellant it would have a maximum height of about 2.8m and extend to about 6.0m in depth, which is significantly deeper than the existing structure. I am told that the side wall of the extension would be about 250mm inside the boundary with No 27.
6. Although the existing conservatory has a ridge that is higher than the proposed extension (which would be flat roofed) and is fully glazed, I consider that the depth of the proposed development and its proximity to the adjoining dwelling, would result in an extension that would be overbearing and would significantly increase the sense of enclosure experienced by the occupants of No 27. This deterioration in living conditions would be experienced both from within the kitchen/diner (which has a window very close to the side boundary) and from the rear garden, particularly in the area closest to the dwelling. Although it is not a matter on which my decision has turned, I consider that the detrimental consequences of the proposal would be exacerbated by the change in ground level – which slopes down towards the south.
7. In terms of the impact on the neighbours at No 31 I am satisfied that the distance between that property (and its garden) and the proposed development, together with the boundary treatment, is sufficient to ensure that there would be no significant loss of privacy or overlooking. The appellant has confirmed that a replacement fence along this boundary could be provided to further allay the fears of the neighbour. Such provision could be secured through the imposition of an appropriate condition if necessary. This neighbour also raises the issue of asbestos but that is a matter which would have to be addressed through other channels.
8. The Council refers to policies QD14 and QD27 of the Brighton and Hove Local Plan. These seek to protect the living conditions of residents. For the reasons given above this proposal does not meet the policy requirements.
9. I acknowledge that the neighbours at No 27 have not submitted an objection and that the proposed materials to be used would match those in the existing dwelling. However, neither of these factors outweigh my overall conclusion which is that, for the reasons given above, the appeal should be dismissed.

David Hogger

Inspector