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## Appeal Decision

Site visit made on 23 January 2017

by **Philip Willmer BSc Dip Arch RIBA**

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

Decision date: 09 February 2017

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**Appeal Ref: APP/QI445/D/16/3164178**

**9 Beechwood Avenue, Brighton, East Sussex, BN1 8ED.**

- 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 Nicholas Bolton against the decision of Brighton and Hove City Council.
  - The application Ref BH2016/05207, dated 6 September 2016, was refused by notice dated 8 November 2016.
  - The development proposed is described as erection of a two storey rear extension with associated roof alterations. Window configuration altered and building re clad due to the amendments to the internal layout.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. I consider that the main issue in this case is the effect of the proposed development on the living conditions of the occupiers of number 11 Beechwood Avenue in terms of the extension's potential to appear overbearing and overshadow existing side windows and, in respect of both numbers 7 and 11, its potential to lead to overlooking resulting in a loss of privacy.

### Reasons

3. The appeal property, number 9 Beechwood Avenue, is a two-storey detached dwelling house. The surrounding area is characterised by detached properties on relatively spacious plots. While there is no overriding architectural style prevalent in the local area, number 9 is unusual having a Dutch style mansard roof set eaves onto the road.
4. The property sits on the crown of the rise with the land sloping away to both the north and south. It has a single storey rear addition with raised access decking to accommodate the sloping land.
5. In conjunction with alterations to the fenestration and the re-ordering of the internal rooms, the appellant proposes the replacement of the existing rear extension with a two-storey full width rear addition.
6. Number 11 Beechwood Avenue, located on the corner of Beechwood Avenue and Beechwood Close, is a bungalow with roof space accommodation. Due to the topography of the site it is located at a lower level than number 9. It has

both a pair of French doors and a small window in its rear wall that face towards the appeal site. Number 7 is a detached house separated from number 9 by a shared drive.

7. The proposed extension, because of the designer's adoption of the existing roof style for the new addition, would serve to increase the three dimensional form and overall mass of the house. However, given the separation distance between numbers 9 and 11 and the existing built up nature of the area, I do not consider that the proposed extension would have such an overbearing impact on the neighbouring occupiers as to cause significant harm to their living conditions.
8. The proposed addition would be sited due south of number 11. Given the separation distances involved and the number of windows that serve the living room of number 11, I am not persuaded that the extension to number 9 would result in the loss of natural light to this habitable room. There may be some loss of sunlight when the sun is low in the sky to the small rear courtyard garden area and the living room through the French doors. However, given the orientation of the two properties, the separation distance between them and the limited depth of the proposed extension, I do not consider this would be so significant as to be detrimental to residential living conditions.
9. Alterations are proposed to the existing fenestration in the retained facades of the building, which generally I find acceptable. Further, depending on the cill height above finished floor level, a matter that could be conditioned if I were minded to allow the appeal, I do not consider that the new high level windows, in either the south or north elevations of the extension at ground floor level, would cause harm to the living conditions of neighbouring residential occupiers, by reason of either actual or perceived overlooking.
10. However, the scheme design includes for two new large first floor windows, one each in the north and south elevations serving bedrooms 1 and 2 respectively, shown obscure glazed. The first floor window to bedroom 1 would look directly down and over the private rear amenity space of number 11 and would afford views into the living room. I accept that the impact on privacy would be somewhat diminished by obscure glazing the window as proposed. However, if obscure glazed and even locked shut, the inclusion of such a large area of glazing here would, I believe, result in a harmful perception of overlooking. While views of the rear garden of number 7 from the first floor window to bedroom 2 would be less prominent, I nevertheless consider, as identified by the Council, that a large window here would also result again in the perception of overlooking. Due to the prominence of the two first floor windows, I consider, despite the existing level of overlooking from number 9 Beechwood, that in this case, even the perception of overlooking from the two additional windows would be harmful to the living conditions of the occupiers of numbers 7 and 11 Beechwood Avenue.
11. I conclude in respect of the main issue that the proposal would not appear either so overbearing or result in such a level of overshadowing as to cause harm to residential living conditions. However, it would, by reason of the perception of overlooking from the new first floor windows in the extension, cause significant harm to neighbours' amenity. The development would

therefore not accord with Policy QD27 of the Brighton and Hove Local Plan 2005.

**Overall conclusion**

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Philip Willmer*

INSPECTOR

