



Appeal Decision

Site visit made on 17 March 2009

by **Phil Grainger** BA(Hons) MRTPI

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

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Decision date:

Appeal Ref: APP/Q1445/A/08/2086622

13 Harrington Road, Brighton BN1 6RE

- 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 Minor against the decision of Brighton & Hove City Council.
- The application ref: BH2008/00926, dated 12 March 2008, was refused by notice dated 13 June 2008.
- The development proposed was described as internal alterations and extension at first floor over existing rear ground floor flat roof to form two bedrooms.

Decision

1. I dismiss the appeal.

Preliminary Matter

2. Although the site is in the Preston Park Conservation Area the proposed extension would be barely visible from public viewpoints. Moreover, it would follow the general outline of the front part of the existing building. Taking this into account I am satisfied that it would have no material effect on the character or appearance of the area.

Main Issue

3. Taking the above matter into account I consider that the main issue is the effect on the living conditions of neighbouring residents, especially the occupiers of no. 15 Harrington Road, having particular regard to any implications for the light received by and outlook from that house.

Inspector's Reasoning

4. The appeal property is a detached house, two storeys high at the front but reducing to a flat-roofed single-storey structure at the rear. To one side is another detached house. On the other is a pair of large semi-detached houses. It is the effect on the occupiers of the semi-detached house closest to the appeal premises, no. 15, that is of concern of the Council. During the site visit, along with representatives of the Council and the appellant, I was shown around that property by one of the occupiers.
5. Although the existing shape of the appeal property appears rather odd when viewed on a drawing, on site it has a clear logic to it. The stepping down in height at the rear limits the effect on the light received by and outlook from windows in the side of its neighbour, no. 15. Whether this is deliberate I do not know for certain, though it looks as though this feature post-dates no. 15. Be that as it may, whether the relationship has been arrived at by chance or by design it is a fortunate one that allows the two houses in their current form to coexist in a reasonably neighbourly manner.
6. Despite the appellants' contention that the extension would have little more effect than the existing parapet wall, my own judgement is that it would seriously detract from this present harmonious relationship. In particular there is a habitable room on the ground floor of no. 15 whose only window faces towards the appeal site.

- This is roughly at the point where the existing 2-storey part of no. 13 ends and the window therefore benefits from a reasonable level of light and sky views. The proposal would result in a wall 2-storeys high directly in front of the whole of this window and apparently not much more than 2m from it. Moreover, if the eaves of the new roof are to follow the existing lines they would project significantly out from this wall, thus encroaching further into this already narrow gap.
7. As a result, even if the increase in wall height relative to the existing parapet wall seems modest on a drawing, in reality the effect would be very considerable. As the existing roof demonstrates, very little other than the wall and eaves of no. 13 would be visible from this window. This would be overbearing and make the room, described by the neighbours as a family room, feel very enclosed. I would also expect there to be a noticeable reduction in light. All this would, in my judgement, seriously detract from the attractiveness of this room. The slight difference in the levels of the houses is insufficient to avoid this effect.
 8. In addition, there is a window in the side of the kitchen to no. 15 that may also be affected to some extent. Moreover, whilst it is not the only window in the kitchen, the others are small and this adds, albeit modestly, to my concerns.
 9. The proposed extension would also be directly in front of the only window in a bedroom at no. 15. Given the greater elevation of this window, I do not consider that the effect on this bedroom would in itself be a reason for withholding permission. However, in the circumstances it again adds, if only modestly, to my concern that the appeal proposal would be an unneighbourly and harmful addition. On the other hand I consider that any effect on the first floor bathroom and shower room windows would be insignificant.
 10. I have taken into account that in urban areas it is not uncommon for gaps between houses to be as narrow as this one and that if there are windows in the side walls they often have restricted light and outlook. However, to avoid problems arising dwellings are therefore usually designed so that the principal windows are in the front and rear and any in the side are mostly secondary ones or not in main habitable rooms. That is not the case in respect of some of the windows in no. 15. Moreover, the existing form of no. 13 respects this in a way that the proposed extension would not.
 11. I have also taken into account that no. 15 is a relatively large house and that other rooms in it would be unaffected by the appeal proposals. However, that does not in my view justify the serious harm caused, especially to the attractiveness of the family room, where the proposal would result in a 2-storey wall very much closer than is normally regarded as acceptable in front of a main habitable room window. Although the proposal would clearly improve the accommodation at no. 13 I do not consider that that justifies causing such harm to the living conditions of the occupiers of the neighbouring house, which in my judgement would be far greater than any effect of the existing trees along parts of the boundary.
 12. I have had regard to all other material considerations raised. In my view no other residents would be materially affected in any way. Moreover, whilst it might be possible to erect something similar as permitted development it has not been suggested that that would in fact happen if the appeal is dismissed. Neither these nor any of the other matters has therefore contributed materially to my decision. For the reasons set out above I therefore conclude that the effect on the living conditions of the occupiers of no. 15 would be unacceptable and that the proposal is thus contrary to Policies QD14 and QD27 of the Brighton and Hove Local Plan. Accordingly the appeal should not succeed.

P Grainger

INSPECTOR
