



Appeal Decision

Site visit made on 6 March 2012

by **E A Lawrence BTP MRTPI**

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

Decision date: 13 March 2012

Appeal Ref: APP/Q1445/D/12/2169909

11 Dean Court Road, Rottingdean, Brighton, East Sussex, BN2 7DH

- 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 G Hacker against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/03337 was refused by notice dated 6 January 2012.
 - The development proposed is extensions to house, including rear extension and extension to roof.
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Decision

1. The appeal is dismissed.

Main issues

2. The first main issue is the effect of the proposal on the character and appearance of the host dwelling and the surrounding area. The second main issue is the effect of the proposal on the living conditions of the occupiers of the adjacent dwellings to the west and east, with particular regard to visual impact, privacy and sunlight.

Reasons

Character and appearance

3. The resultant dwelling would have six large dormer windows located relatively close to the side boundaries of the property and would have a further large dormer window in the front roof slope. Together with the use of a hipped roof at the front and a gable at the rear the whole roof would appear cluttered, cramped, disjointed and totally out of keeping with the host property and its surroundings. At the same time, the proposed rear extension would project into the rear garden area, where due to its combined depth, height and gable design it would be visually prominent and overbearing within the rear garden environment.
4. For these reasons I conclude on this main issue that the proposal would unacceptably detract from the character and appearance of the host property and the surrounding area. It would therefore conflict with policies QD1, QD2 and QD27 of the Brighton and Hove Local Plan, which effectively require new developments to respect the character and appearance of existing buildings and their surroundings.

Living conditions

5. It is noted that both 13 Dean Court Road (No.13) and 2 Challoners Close (No.2) have been extended to provide first floor accommodation and that they have ground and first floor windows facing the Appeal site. However these windows do not provide clear views into any rooms within the Appeal dwelling, or clear views over its rear garden area. In addition, neither the dwelling at No.13 nor the first floor element at No.2 are as deep as the Appeal property. As a result these properties and their use do not have a materially adverse impact on the living conditions of the occupiers of the Appeal dwelling.
6. Conversely, due to their position towards the rear of the property the proposed first floor windows serving the master bedroom would provide direct views into the adjacent ground floor windows of No.2 and No.13, as well as over their rear gardens. The proposed side windows to bedroom 3 and the master bedroom would provide indirect views into the first floor side windows at No.2 and the proposed side windows to bedrooms 2 and 3 would look down into the ground floor side windows at No.13.
7. The situation would be exacerbated by the proposed full length glazed doors serving the proposed master bedroom, which would provide clear views over the rear garden environment. Overall the scheme would result both actual and perceived overlooking and loss of privacy for the occupants of No.2 and No.13.
8. Due to its depth, height, gable end and dormers the proposed rear extension would dominate the outlook from the adjacent side windows at No.2 and the side windows and rear garden at No.13. At the same time the roof of the rear extension would overshadow part of the rear garden to No.13 and its kitchen/diner due to its close proximity and position to the west of No.13. As a consequence the scheme would have a visually overbearing impact on the living conditions of the occupiers of No.2 and No.13.
9. I conclude on this issue that the proposal would seriously harm the living conditions of the occupiers of the adjacent dwellings to the west and east, due to its overbearing visual impact, loss of privacy and in relation to 13 Dean Court Road, overshadowing. Accordingly the proposal would conflict with policies QD14 and QD27 of the Brighton and Hove Local Plan, which amongst other things seek to protect the living conditions of residents.

Conclusion

10. The conclusions on both main issues represent compelling reasons for dismissing this Appeal, which the imposition of conditions could not satisfactorily address.

E Lawrence

INSPECTOR