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# Appeal Decision

Site visit made on 17 April 2012

**by R G Dean BSc DipTP MRTPI**

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

**Decision date: 14 May 2012**

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**Appeal Ref: APP/Q1445/D/12/2172142**  
**34 Bute Street, Brighton, BN2 0EH**

- 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 Williams against the decision of Brighton & Hove City Council.
  - The application Ref BH2011/03503 was refused by notice dated 17 January 2012.
  - The development proposed is a 2 storey rear extension to a dwelling.
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## Decision

1. The appeal is dismissed.

## Reasons

2. The appeal property is one of many small terraced dwellings in this part of Brighton with limited private outdoor space as provided by compact rear yards. The present single storey projection at the rear of the house is replicated in the next dwelling, such 'mirrored' pairs being the dominant rear building pattern throughout the area. Some 2 storey extensions exist, as highlighted in the appeal, but they are relatively few and I have been provided with no information about their planning background. I do not therefore regard them as precedents providing compelling support for the appeal scheme.
3. I recognise that the positions of windows at the properties on each side are such that the proposed extension would not unduly affect light or outlook in their habitable rooms. However, I have little doubt that its bulk would add considerably to the feeling of enclosure in the adjoining courtyards to such an extent that it would appear overbearing to the immediate neighbours. Their enjoyment of these areas as outdoor amenity space for sitting out or perhaps modest gardening would be severely curtailed.
4. The same would be experienced in the courtyards of the dwellings directly opposite in Rochester Street. Moreover, I formed the impression that the bringing of the upper floors of the terraces even closer together at this point would appear oppressive in the outlook from the rear windows of these dwellings. This feeling of being hemmed in would be much greater than arises from the current single storey projection at the appeal premises which, although closer, has its bulk largely contained by the present boundary wall.
5. These findings lead me to conclude on the main issue arising in this case that the proposed development would significantly harm neighbours' living

conditions, thereby failing to meet the requirements of Policies QD14 and QD27 in the Brighton & Hove Local Plan 2005.

6. To my mind also, permission in this case would make it very difficult for the local planning authority to resist similar proposals for 2 storey additions throughout the area, each reducing the value of outdoor amenity space in adjoining properties. This adds to my concerns about the immediate impacts of the appeal proposal.
7. I fully recognise that the works would considerably improve the accommodation at the appeal premises but in my assessment this would be outweighed by the harmful effect on other properties as I have described. The shortcomings of the scheme design which I have described means that the project cannot be regarded as a sustainable form of development, for which a presumption in favour would otherwise be given under the National Planning Policy Framework issued in March 2012.
8. Nothing else has been raised in this case to draw me away from a conclusion that the appeal should fail.

*R G Dean*

INSPECTOR