



Appeal Decision

Site visit made on 31 July 2012

by J Mansell Jagger MA(CANTAB) DIPTP MRTPI IHBC

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

Decision date: 14 August 2012

Appeal Ref: APP/Q1445/D/12/2177287
3 Selhurst Road, Brighton, BN2 6WF

- 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 Mrs A Gregory against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/03921 was refused by notice dated 9 March 2012.
 - The development proposed is single storey rear extension to include removal of existing glass conservatory and its replacement with solid construction.
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey rear extension to include removal of existing glass conservatory and its replacement with solid construction at 3 Selhurst Road, Brighton BN2 6WF in accordance with the terms of the application ref. BH2011/03921, dated 13 December 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The windows in the south elevation of the development hereby permitted shall be obscure-glazed and permanently retained as such.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos. 315/P01, 315/P02, 315/P03, 315/P10, 315/P11, 315/P12 and 315/P14.

Main issue

2. The main issue is the effect of the proposal on the amenities of the adjoining residents.

Reasons

3. The replacement of the existing conservatory with a new brick and tiled extension would dramatically improve the situation with regard to overlooking of the adjoining property, 1 Selhurst Road. Subject to the new side windows on that south side being obscure-glazed, there would be no overlooking from inside the building. The proposed terrace would project less than 1m and would

- be too small and restricted by the outward-opening doors to be used for sitting out on a regular basis. Any view into the neighbours' garden would be at an angle and further restricted by the height of the planting and boundary fence between the two properties.
4. The Council says that the new extension would have an over-dominant and overbearing effect on 1 Selhurst Road. The building would extend some 2m beyond the line of the existing conservatory and, with its gabled roof, would clearly be of greater bulk. However, as with the conservatory, the new building would be partially obscured by the ground floor extension at the rear of no.1 and by the boundary fence, and any additional impact would be restricted to a relatively small area immediately at the rear of the house. There would be no noticeable effect on the rear garden. The brick side elevation would be relieved by window openings and I am satisfied that, when viewed from the neighbours' side, the additional impact would not be so significant as to warrant refusal on that ground.
 5. I note that the neighbours have expressed support for the proposal, particularly as it would overcome the present problems of overlooking between the two properties.
 6. For the above reasons, I conclude that that the proposed development would not materially harm the amenities of the adjoining residents and would not conflict with Policies QD14 and QD27 of the Brighton and Hove Local Plan; I will therefore allow the appeal
 7. In order to ensure a satisfactory appearance, I will add a condition requiring the use of matching materials. I will also add a condition requiring the windows in the side elevation adjoining 1 Selhurst Road to be obscure-glazed, in order to avoid direct overlooking of that property, though I do not think that it is necessary to require any of those windows to be non-opening. For the avoidance of doubt, I will add a condition requiring the development to be carried out in accordance with the approved plans.

J Mansell Jagger

INSPECTOR