



Appeal Decision

Site visit made on 21 January 2013

by David Harmston FRICS DipTP MRTPI

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

Decision date: 23 January 2013

Appeal Ref: APP/Q1445/A/12/2182756

155 Elm Drive, Hove, East Sussex BN3 7JA

- 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 H Maides against the decision of Brighton & Hove City Council.
 - The application (Ref BH2012/01649), dated 28 May 2012, was refused by notice dated 3 August 2012.
 - The development proposed is the erection of a conservatory to the rear.
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Decision

1. The appeal is dismissed.

Reasons

2. The main issues in this appeal are, firstly; the effect of the development on the character and appearance of the area and, secondly, its effects on the living conditions of the occupants of No 157 Elm Drive in terms of any unacceptable overbearing impact or an undue loss of light.
3. The proposal is to erect a rear conservatory to this end-of-terrace, two-storey dwellinghouse. The addition would extend outwards by 3.8m into the rear garden beyond an existing single-storey rear addition, 3.4m deep, erected some years ago. It would be 3.8m wide and just under 3m high constructed with uPVC frames and brickwork. The structure would be sited on the boundary with the adjacent dwelling to the north (No 157) and about 2m away from the dwelling to the south (No 153). Both of these properties have rear extensions of about the same depth as that existing at the appeal site.
4. On the first main issue the development would have very little effect on the overall character and appearance of the area. The conservatory would not be seen from the street and such views of it as could be obtained from the neighbouring properties would be obscured by the natural vegetation and outbuildings which are present in the neighbourhood. Whilst the development would mean the introduction of an additional structure into a position further to the rear of the properties than is currently the case, thus extending the overall depth of the houses in this part of Elm Drive in a significant way, in itself that would cause no material harm to the character and appearance of the area. In this respect, and on this issue, there would be no conflict between the proposal and policy QD14 of the Brighton & Hove Local Plan.

5. On the second main issue, a brick wall projecting some 3.8m beyond the existing rear extension, just under 3m high, would be constructed on the boundary with the adjoining dwelling (No 157 Elm Drive). The rear elevation of that property has glazed doors serving a habitable room in the rear of its own extension. In my view, and because of its height and depth of projection, the effect of constructing the proposed conservatory would result in an unneighbourly form of development leading to an unacceptable loss of daylight to the rear of the adjoining property whilst creating an overbearing and domineering impact to its occupants.
6. Policy QD27 of the Local Plan seeks to protect residents from developments which would cause a material loss of amenity to them and Policy QD14 states that extensions to dwellings should not result in a significant loss of outlook or daylight/sunlight to neighbouring properties. In these respects, and for the reasons I have given, I consider that the development would cause material harm to the occupants of No 157 Elm Dive, in contravention of these policies. The development is unacceptable for these reasons.
7. I appreciate that there is high vegetation and a wooden fence on the boundary with the adjoining property at the present time. The appellant has stated that, for this reason, the impact of the conservatory on his neighbours' amenities would be no worse (and possibly better) than is the case now. However, those features cannot be regarded as permanent and in terms of their physical impact there is a material difference between them and a high, imperforate brick wall. I have considered everything else that has been raised in relation to this matter but nothing is of sufficient weight to alter my conclusions above and the reasons for them.

David Harmston

Inspector