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# Appeal Decision

Site visit made on 5 August 2013

**by David Harmston FRICS DipTP MRTPI**

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

**Decision date: 7 August 2013**

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**Appeal Ref: APP/Q1445/D/13/2199483**

**66 Loder Road, Brighton, East Sussex BN1 6PJ**

- 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 Ms Christine Berry against the decision of Brighton & Hove City Council.
  - The application (Ref BH2013/00943) was refused by notice dated 20 May 2013.
  - The development proposed is described as the erection of a rear and side single-storey wrap around extension to rear outrigger.
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## Decision

1. The appeal is dismissed.

## Main Issues

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 impact on the living conditions of the occupants of the adjoining dwelling (No 64 Loder Road).

## Reasons

3. The appeal property is a part two, part three-storey, terraced dwellinghouse situated within an older, densely-developed, residential neighbourhood of Brighton. It is proposed to erect a single-storey extension to the rear of the property by infilling the void (about 1.7m wide) between the side of the existing rear wing and the boundary with the adjoining property to the west (No 64 Loder Road) to a depth of about 5.2m. Additionally, the extension would project outwards across the full width of the dwelling by about 3m beyond the southern elevation of the original outrigger and the infilled void.
4. Insofar as the visual impact of the development on the character and appearance of the area is concerned, with the presence of the high, rear wing forming a rather unsympathetic addition to No 68 Loder Road adjoining the development to the east, and the other structures and outbuildings present in the immediate locality of the site, little of the development would be visible from the public domain. Such parts of the extension as might be seen would be visually subsumed against the backdrop of the terrace as a whole.
5. The original character of the area has been modified over the years by the various alterations and extensions that have been undertaken to the houses forming the terraces which make up Loder Road. The development proposed by this appeal, which includes rooflights to be inserted into the flat roof, would

have little adverse visual impact on the appearance of the area. Policy QD14 of the Brighton & Hove Local Plan sets out a number of criteria concerning the design of extensions and alterations to existing buildings. In that I consider the development to be sufficiently well designed and sited in relation to the existing property and, insofar as the first main issue is concerned, I do not regard the proposals as being in conflict with this policy.

6. On the second main issue, and because of the presence of the ground floor windows at No 64 Loder Road facing towards the appeal site at close quarters, the extension would have a significant and adverse effect on the living conditions of the occupants of that dwelling. Being sited on the boundary and to the height proposed, a significant loss of natural light would be caused by the development. Due to the gradient of the land, the appeal site is at a slightly lower ground level than No 64. Notwithstanding, the side elevation of the extension at the boundary would be about 2.3m in height.
7. With its total rearward projection of about 8.2m extending well beyond the rear of No 64 Loder Road, the outcome would be a tunnelling effect which would significantly detract from the amenities of the adjoining residents by reason of the loss of light and the creation of a sense of enclosure and overbearing impact. Outward views therefrom would be adversely affected by the presence of the extension and a significant loss of sunlight and daylight would be caused. Policy QD27 of the Local Plan seeks to protect adjacent residents from development proposals which would cause a material loss of amenity to them. Policy QD14 is specific to proposals for the erection of extensions and alterations to existing buildings and states, at criterion (b), that developments of this type should not result in a significant loss of outlook, daylight, sunlight or amenity to neighbouring properties.
8. I appreciate that the residents of No 64 Loder Road have not objected to the development and reference has been made to a possible proposal by them to carry out a similar development of their own property. Whilst this may be so I cannot be certain that such a possibility would ever materialise. Circumstances may change. On this issue I conclude that the development would conflict with the provisions of policies QD14 and QD27 of the Local Plan in its relationship to the adjoining property. These policies are broadly consistent with the National Planning Policy Framework which states, as a Core Principle, that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.<sup>1</sup>
9. I have taken into account everything that has been put forward in support of the appeal including the non-specific references made to 'wrap around' extensions existing within the Loder Road and Bates Road area. Nevertheless, each case falls to be considered on its own planning merits and nothing is of sufficient weight for me to reach any other conclusions on this matter.

*David Harmston*

Inspector

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<sup>1</sup> National Planning Policy Framework – paragraph 17