



## Appeal Decision

Site visit made on 26 September 2013

**by Timothy C King BA(Hons) MRTPI**

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

**Decision date: 18 October 2013**

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**Appeal Ref: APP/Q1445/D/13/2202679**

**89 King George VI Drive, Hove, BN3 6XF**

- 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 Jenny Walker against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/01239, dated 12 April 2013, was refused by notice dated 12 June 2013.
  - The development is a single storey extension & replacement porch.
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### Decision

1. For the reasons that follow I dismiss the appeal insofar as it relates to the single storey extension. I allow the appeal, however, insofar as it relates to the remainder of the application and grant planning permission for a replacement porch at 89 King George VI Drive, Hove, BN3 6XF in accordance with the terms of the application, No BH2013/01239, dated 12 April 2013, 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 development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 246/01 and 246/02 insofar as they relate to the replacement porch.
  - 3) 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.

### Main Issues

2. The main issues in this appeal are the effect of the proposed development on the living conditions of the occupiers of 91 King George VI Drive, with particular regard to matters of sunlight and daylight and whether it would be overbearing, and also the impact on the character and appearance of the streetscene.

## **Reasons**

### *Living conditions*

3. The appeal property is a post war, detached bungalow which sits at the corner of King George VI Drive and a cul de sac spur. It has an existing conservatory addition to some 3m depth which covers approximately half the width of the bungalow's southern elevation, facing onto its rear garden. The proposal would involve the conservatory's removal and its replacement with a slightly deeper rear extension but which would span the full width of the property. It is also proposed that bungalow's front porch be demolished and replaced by a larger structure. The Council has provided no objections to the replacement porch and I do not see any reason to disagree with this approach.
4. The new extension, to a depth of some 3.3m, would involve the continuation of the ridge line, some 5.5m high, and the projection of the characteristic hip ended roof, accordingly. No 91 King George VI Drive, another bungalow but to a smaller footprint, lies east of the appeal property. The appellant has referred to her householder permitted development entitlement so as to draw a contrast between that and the appeal proposal. For side extensions to bungalows I can confirm that the property could be extended up to half the width of the original bungalow, but must not exceed a ridge height of 4m. Also, as the extension would be within 2m of the boundary with No 91, the eaves must not exceed 3m in height. In this instance, therefore, a bungalow to a greater depth but to a lesser height could be built without the need for planning permission.
5. Nonetheless, the depth, height and orientation of the proposed development would result in an unneighbourly, overbearing extension that would impact on the degrees of daylight and sunlight which No 91 currently receives to its south west facing rear elevation and garden. In particular, the extension's height in such proximity to the common boundary would adversely impact on No 91 causing a sense of enclosure and consequential overshadowing.
6. Policy QD14 of the Brighton & Hove Local Plan relates specifically to the design and siting of extensions whilst Policy QD27 is more generally concerned with protecting the amenities of adjacent occupiers. I consider that the proposed development would be in conflict with the requirements of both policies and that the extended bungalow would represent an overbearing development, adversely affecting daylight and sunlight entry to No 91. Accordingly, the living conditions of its occupiers would be harmed.

### *Character and appearance*

7. Viewed from King George VI Drive, the appeal property has a definite symmetry either side of its centrally positioned front door and porch. I note the appellant's point as to the permitted development allowance but there would be an appreciable difference in the bungalow's appearance between the 4m maximum height entitlement, which would allow for a stepped-down, more subordinate addition and that which would result from extending the existing ridge line by some 3.3m. This would amount to a considerable expanse of its roofscape and, moreover, would have the effect of upsetting the property's balanced proportions. The enlarged porch, whilst acceptable as an entity in itself, would not temper this imbalance.

8. The appellant, in considering that the appeal property is subservient to No 87, a two storey house, mentions that the orientation and setting justified the use of a full pitched roof reflecting precisely the design and height of the original building. I disagree as, although No 89 is single storey, the resultant massing, should the development be built, would be significant.
9. Policy QD14 is again relevant, requiring that extensions should have regard to adjoining properties and the surrounding area. On this issue I consider that the development would both conflict with the policy's requirements and also be harmful to the character and appearance of the streetscene.
10. I have taken into account the appellant's reference to an extension built at No 69 King George VI Drive, another bungalow. However, I consider that this property, in its extended form, has retained a good degree of symmetry and is also better distanced from its neighbours in terms of impact.

### **Conclusions and Conditions**

11. Those elements of the proposed alterations that I have found to be unacceptable are severable from the remainder of the proposal. Therefore, for the reasons given above, I conclude that the appeal should succeed in relation to the replacement porch. However, in relation to the single storey extension, I conclude that the appeal should be dismissed.
12. In imposing conditions I have had regard to Circular 11/95. The Council has not suggested any conditions be imposed other than those of the statutory time limit and one also requiring the use of matching materials. I agree that the latter condition is necessary in order to ensure a satisfactory appearance. Also, for the avoidance of doubt, and in the interests of good planning, I have imposed a condition which requires that the development be built in accordance with the approved plans.

*Timothy C King*

INSPECTOR

