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## Appeal Decision

Site visit made on 3 March 2015

**by Louise Phillips MA (Cantab) MSc MRTPI**

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

**Decision date: 9 March 2015**

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**Appeal Ref: APP/Q1445/D/14/2222048**  
**22 Morecambe Road, Brighton, BN1 8TL**

- 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 Neil Milsom against the decision of Brighton & Hove City Council.
  - The application Ref BH2014/01073, dated 14 April 2014, was refused by notice dated 9 June 2014.
  - The development proposed is a two storey rear extension plus an additional basement room. Associated external alterations including new external steps to rear.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. A certificate of lawful development was granted for a single storey rear extension to the appeal property in 2006<sup>1</sup> and the main structure is largely complete. The Council states that this extension would not have constituted permitted development following amendments made to the General Permitted Development Order<sup>2</sup> in 2008, and that it cannot be sure the works commenced before this time. Either way, I have determined the appeal on the basis that planning permission is sought for the development now shown on the plans and so this matter carries very limited weight in my decision.
3. I am further advised that the basement proposed as part of the current scheme has already been excavated, although it is blocked off for safety reasons. The commencement of this aspect of the development likewise has no bearing upon the outcome of the appeal.

### Main Issues

4. The main issues are the effect of the proposed development upon the character and appearance of the host dwelling and wider area; and upon the living conditions of neighbouring occupiers at Nos 21 and 23 Morecambe Road in respect of light and outlook.

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<sup>1</sup> Council Ref BH2006/01921.

<sup>2</sup> Town and Country Planning (General Permitted Development) Order, 1995 (as amended).

## Reasons

### *Character and Appearance*

5. The appeal property is a semi-detached house with a pitched roof in a road composed of similar dwellings. It presently has an unfinished extension at ground floor level as explained above. This already represents a substantial addition, being deep, almost the full width of the rear elevation and quite tall. The ground floor level within the extension is the same as that in the main house, while the garden slopes quite steeply away from the building. This accentuates its height.
6. It is now proposed to deepen the existing ground floor extension by 1.2m and to construct a first floor level above it at the depth of the original. Part of the first floor would be set in from the boundary with the attached dwelling, No 23 Morecambe Road, to take account of its closest bedroom window. The ground floor projection would have a sloping glass roof, while the first floor element would be finished with a flat roof which would adjoin the roof of the main building above the eaves. The development would include a basement with steps down into the garden.
7. Taking account of the depth now proposed, the new extension would approximately double the footprint of the existing dwelling. This, combined with the height of the first floor level, would result in a very large addition, out of proportion with the original building. Furthermore, the flat roof would relate poorly to the height and shape of the main roof; and the cut-away corner adjacent to the neighbouring dwelling would look awkward. Overall the design would be purely functional and the extension would dominate the semi-detached pair and detract from its balanced appearance. The flat roof proposed might well preserve the ridgeline of the existing building, but little else of its present character would remain.
8. For these reasons, I conclude that the proposed development would be significantly harmful to the character and appearance of the host dwelling, contrary to Policy QD14 of the Brighton and Hove Local Plan. Amongst other things, this requires extensions to be well designed, sited and detailed in relation to the property to be extended and to adjoining properties. Nevertheless, given that the extension would not be visible from the street, its effect upon the character and appearance of the wider area would be very limited.
9. In reaching the above conclusion, I have taken account of the planning permission granted for a similar scheme at No 15 Haywards Road. However, the decision notice confirms the Council's view that the extension would relate poorly to the existing house and would not accord with the provisions of the Local Plan. The favourable outcome was in part due to there being number of similar developments in the area.
10. Whilst Haywards Road is adjacent to Morecambe Road, I did not see any similar extensions in the immediate vicinity of the appeal site and, in my view, the former example is not one which should readily be repeated. The appellant has also drawn my attention to the presence of a two storey rear extension at No 24 Morecambe Road, but from what I could see, this has a pitched roof which complements the design of the main house. Therefore, these other developments do not alter my findings in relation to the scheme before me.

### *Living Conditions*

11. The proposed extension would be a sizeable structure almost up to the shared boundary with the attached property, No 23 Morecambe Road. Its combined height and depth would be overbearing when viewed from the adjacent ground and first floor rooms of the neighbouring house and from the decking outside. Whilst the stepped design of the first floor level demonstrates consideration for the occupiers, this would not offset the overall effect and, in my view, it would only make the outlook from the bedroom window more peculiar.
12. In respect of light, given that the rear of the dwellings face south, any significant overshadowing would be limited to the early morning and this alone would not be detrimental to living conditions so as to warrant the dismissal of the appeal. However, the loss of outlook I have found would be unacceptable.
13. The neighbouring dwelling to the east, No 21, is separated from the appeal property by a shared access drive, although the nature of the gated access suggests that this is no longer used by vehicles. No 21 has a conservatory extension to the rear, which is close to but angled away from the boundary. The boundary is marked by a close-boarded fence so that only the tops of the conservatory windows are visible above it.
14. The proposed extension would have a side door facing towards the conservatory and, given the ground floor height, it would be possible to look from it into some of the windows. However, the principal window of the extension would face the garden and it seems unlikely that occupants would spend much time looking out of the side door. In any case, if the proposal were otherwise acceptable, a condition could be imposed that any glazing in the door should be obscured.
15. In respect of the effect of the extension on No 21 more generally, while it would be substantial relative to the neighbouring property, it would be sufficiently far from the boundary that it would not result in a loss of light or outlook detrimental to living conditions. Nonetheless, this does not alter my findings in relation to the effect of the development upon No 23.
16. Consequently, I conclude that the proposed development would harm the living conditions of neighbouring occupiers at No 23 Morecambe Road in respect of outlook. Thus it would conflict with Policies QD14 and QD27 of the Local Plan in terms of their provision related to neighbouring amenity.

### **Other Matters**

17. I acknowledge that the appeal property is in an accessible location and that the additional accommodation proposed would be of benefit to the appellant. However, these matters do not outweigh my conclusions in respect of the main issues of the appeal.

### **Conclusion**

18. For the reasons given above, I conclude that the appeal should be dismissed.

*Louise Phillips*

INSPECTOR

