

## Appeal Decision

Site visit made on 22 March 2016

by **David Reed BSc DipTP DMS MRTPI**

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

Decision date: 12 April 2016

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**Appeal Ref: APP/Q1445/D/15/3139781**

**102 Montgomery Street, Hove, East Sussex BN3 5BD**

- 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 M Tate against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/02325, dated 24 June 2015, was refused by notice dated 10 September 2015.
  - The development proposed is a three storey flat roofed rear extension, loft conversion with flat roofed rear dormer and Velux rooflight in front elevation roofslope.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and the effect of the proposal on the living conditions of the occupiers of Nos 100 and 104 Montgomery Street in relation to outlook, light and privacy.

### Reasons

#### *Character and appearance*

3. No 102 is a narrow three storey (including the basement level) terraced house on the southern side of Montgomery Street. It lies in a continuous terrace and backs onto a similar terrace on the northern side of Wordsworth Street. The proposal is for a flat roofed three-storey rear extension about 1.5 m deep across the full width of the property, together with a large rear facing dormer.
4. The appeal property is in a mid-terrace position where there is a long and consistent rear building line except for a number of hanging first floor extensions to the west. Although only about 1.5 m deep the proposal would break this consistent rear facade with an incongruous full height rear extension. The flat roof and contemporary rear fenestration proposed would draw further attention to the extension which would be the only three-storey rear extension in the vicinity. In my view the existing rear elevation of the terrace is pleasantly uniform rather than bland and does not want for further character, articulation and interest.
5. Whilst the proposed extension would be on the rear elevation it would be highly visible from adjacent rear gardens and the numerous rear windows of properties in Wordsworth Street which face the rear of No 102 in this densely developed area.

6. The proposed rear dormer would extend almost the full width and height of the rear facing roof slope resulting in a bulky addition giving the appearance of a full fourth floor to the property. Whilst there are a few similar dormers to the east these demonstrate the intrusive and overbearing appearance of large dormers in this location and do not justify further examples. The dormer would further disrupt the consistent and attractive rear roof slopes of the terrace which again are highly visible from adjacent rear gardens and the numerous rear windows of properties in Wordsworth Street.
7. The appellant states that the dormer has been designed in accordance with permitted development rights. However, from the information submitted it is not clear that this is the case, for example whether the extension has been set back 200 mm from the eaves. In any event, a dormer complying with these requirements could be pursued separately with the Council.
8. For these reasons the proposal would significantly harm the character and appearance of the area in conflict with saved Policy QD14 of the Brighton and Hove Local Plan 2005 (the Local Plan) which requires extensions to be well designed in relation to adjoining properties and the surrounding area. It would also conflict with the Council's Design Guide for Extensions and Alterations 2013 (the Design Guide) which states that flat roof extensions will generally be unacceptable and full width/height box dormers are an inappropriate design.

#### *Living conditions*

9. Although not a reason for refusal raised by the Council, objections have been made to the impact of the proposal on neighbouring occupiers. The rear extension would run across the full width of the property between the common boundaries on either side. As such, it would project out very close to the first and second floor rear facing windows of Nos 100 and 104, three of which appear to be living room windows. Even though the extension would only be about 1.5 m deep these windows are so close that the 45° rule would be breached. The outlook from these windows would be adversely affected to a significant extent and there would be some loss of light within the rooms.
10. In relation to privacy there is already much mutual overlooking from rear windows into rear gardens and between rear windows. In these circumstances the addition of a further overlooking dormer window would not be significant.
11. For these reasons the proposal would cause significant harm to the living conditions of the occupiers of Nos 100 and 104 Montgomery Street in relation to outlook and light. This would conflict with saved Policy QD14 of the Local Plan which precludes extensions which would result in the loss of outlook or light to neighbouring properties. It would also conflict with the Design Guide which states two/three storey rear extensions to terraced properties will generally be unacceptable owing to their close proximity to neighbouring windows and should also comply with the 45° rule to avoid harming neighbouring amenity.

#### **Conclusion**

12. Having regard to the above the appeal should be dismissed.

*David Reed*

INSPECTOR