



Appeal Decision

Site visit made on 24 November 2009

by **Elaine Benson BA (Hons) Dip TP MRTPI**

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

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Decision date:
23 December 2009

Appeal Ref: APP/Q1445/A/09/2108751

7 Orchard Road, Hove, Sussex BN3 7BG

- 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 Ivan Camps-Linney against the decision of Brighton & Hove City Council.
- The application Ref BH2009/00587, dated 9 March 2009, was refused by notice dated 14 May 2009.
- The development proposed is a two storey side extension incorporating existing garage. Enlargement of existing first-floor side extension to form a shower room.

Decision

1. I dismiss the appeal.

Main issues

2. The effect of the proposed development on the character and appearance of the existing house and the surrounding area and its effect on the living conditions of occupiers of neighbouring properties to the east.

Reasons

3. The appeal site is a detached house which lies adjacent to a pair of semi-detached properties of similar design. They are the only properties on this side of Orchard Rd in the block between Orchard Avenue and Neville Rd. A garage at the side of the property runs along part of the side boundary which separates the site from the gardens of houses fronting onto Orchard Avenue. The plot is a triangular shape, being wider at the front and tapering towards the rear. The appeal site side of the road has an open appearance, despite a number of houses around the site being altered significantly by two storey side and roof extensions.
4. The proposed extension would reach the side boundary at two storey height and would incorporate the garage area. In my view this would erode the visual spaciousness of the site. I also find that the mass of the extension would not appear subservient to the existing house but overly large within its context. In reaching this conclusion I have considered the scale and massing of the adjacent pair of semi-detached houses, but find that the resulting development would be wider, have a greater upper level massing and would not reflect the character or appearance of its neighbours. I conclude that the development would conflict with saved policies QD1, QD2 criterion 'a' and QD14 criterion 'a' of the Brighton and Hove Local Plan (LP) which among other things require

high quality development which respects the character and appearance of the property to be extended and its surroundings.

5. Turning to the effect of the development on the living conditions of the occupiers of Orchard Avenue, I find that the extension would be a sufficient distance from the houses to prevent any overshadowing or loss of light to the houses. The extension would result in the removal of side-facing windows which I consider currently give a perception of being overlooked, particularly from No 24. Notwithstanding these comments, the scale of the two-storey side extension sited so close to the boundary would in my opinion be overbearing in the outlook from the rear windows of the nearest houses, Nos 26, 28 and from their gardens and that of No 24. The development would therefore be contrary to saved policies D14 criterion 'b' and QD27 of the LP which seek to protect the amenities of adjacent occupiers.
6. In reaching these conclusions I have had regard to all other matters raised, including the other sites mentioned, but none is sufficient to outweigh the considerations noted above. For the reasons given above I conclude that the appeal should be dismissed.

Elaine Benson

INSPECTOR