



# Appeal Decision

Site visit made on 6 April 2010

by **Rob Huntley BSc MRTPI**

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

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**Decision date:**  
**16 April 2010**

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## Appeal Ref: **APP/Q1445/D/10/2122823** **59 Lark Hill, Hove, East Sussex, BN3 8PH**

- 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 T J Aiton against the decision of Brighton and Hove City Council.
- The application Ref BH2009/02504, dated 12 October 2009, was refused by notice dated 30 December 2009.
- The development proposed is "*Demolition of existing UPVC conservatory and erection of larger replacement UPVC conservatory*".

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### Decision

1. I dismiss the appeal.

### Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property, the nearby part of Lark Hill and of Hangleton Park and its approach.

### Reasons

3. The appeal property is one of a pair of modest semi-detached bungalows amongst similar properties fronting Lark Hill on rising ground in the northern part of the built-up area. It occupies a corner plot adjacent to a wide pedestrian route into Hangleton Park, an area of open space containing sports courts and a playground, wrapping around the northern side of the Lark Hill properties. In view of the local topography, the appeal property is at a higher level than those on the south side of Lark Hill. Notwithstanding some screening trees and an outbuilding along the appeal site's boundary with Hangleton Park, clear views of the rear of the appeal property are available from footpaths and sports courts within the park.
4. A flat-roofed rear extension to the appeal property, projecting beyond the original flank wall of the bungalow, is prominent in views from Lark Hill, the northern part of Park Rise and the approach to Hangleton Park. The proposed conservatory would project some 5m northwards from the existing rear extension, and its glazed, hipped roof would be visible above the extension in these views, despite the side boundary wall and fence. The existing conservatory that would be replaced is, by contrast, not a prominent feature in these views, on account of its considerably smaller dimensions and its lean-to design beneath the eaves of the existing extension.

5. The juxtaposition of the hipped roof form of the proposed conservatory, adjacent to the flat roof of the existing extension, and with eaves levels different from both the original bungalow and the extension, would lack an appropriate degree of design co-ordination to lead to a development of sufficiently high quality.
6. I conclude that the substantial addition to the built form proposed would, because of its size, the extent of its rearward projection, the prominence of its roof form, and lack of design co-ordination, be harmful to the character and appearance of the host property, the nearby part of Lark Hill and of Hangleton Park and its approach. There would, as a consequence, be conflict with the provisions of saved policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan 2005 (Local Plan), which seek to ensure that development is of a high quality of design in terms of scale, height and siting, taking account of the characteristics of the host property and those nearby.
7. I note that the Council accepts that the proposed development would not cause harm to the living conditions of the occupants of neighbouring properties and I see no reason to disagree. I therefore conclude that, notwithstanding the reference to it in the reason for refusal, there would be no conflict with Local Plan policy QD27, which seeks to avoid material nuisance and loss of amenity.
8. The appellant makes reference to extensions at the nearby property, 57 Lark Hill, and I note that these include roof alterations and a conservatory to the rear. I also noted extensions and roof alterations to other properties in the vicinity. The siting of the conservatory at No 57 is such that it is not prominent in external views and the roof alterations at that property and others are not comparable to the development proposed at the appeal property. I have therefore given these little weight in my decision.
9. I have considered all other matters raised and, for the reasons I have given, I conclude that the appeal should be dismissed.

*Rob Huntley*

INSPECTOR