



Appeal Decision

Site visit made on 3 August 2010

by **R J Perrins MA MCM**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

**Decision date:
17 August 2010**

Appeal Ref: **APP/Q1445/D/10/2131798**

34 Elizabeth Avenue, Hove, East Sussex BN3 6WG.

- 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 Dr & Mrs Ather against the decision of Brighton & Hove City Council.
- The application Ref BH2010/00848, dated 24 March 2010, was refused by notice dated 19 May 2010.
- The development proposed is a rear conservatory erection.

Decision

1. I allow the appeal, and grant planning permission for a rear conservatory erection at 34 Elizabeth Avenue, Hove, East Sussex BN3 6WG in accordance with the terms of the application, Ref BH2010/00848, dated 24 March 2010, and the plans submitted with it, subject to the following conditions:
2. The development hereby permitted shall begin not later than three years from the date of this decision.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: BT03-10-23 A Rev 02, BT03-10-23 B Rev 02, BT03-10-23 C Rev 02, BT03-10-23 D Rev 02, BT03-10-23 E Rev 02, BT03-10-23 F Rev 02.
4. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main issue

5. I consider the main issue in this case to be the impact of the rear extension upon the living conditions of occupiers of the adjoining property (No 36).

Reasons

6. The semi-detached appeal property sits on the south side of Elizabeth Avenue where rear gardens adjoin those in Cobton Drive. No 36, its semi-detached partner, sits to the west. On the mutual boundary near to the properties is a standard height panel fence with trellis on top, this is followed, going down the garden by a mature Purple plum tree and a number of conifer trees.
7. I accept that consideration should be given to the living conditions of all future occupiers of No 36. In addition the development would present a hard faced feature of greater height than the current boundary treatment. However, the

extension would not replace the current boundary treatment and the side elevation would be set-back from the mutual boundary with the roof of the conservatory sloping away. In my opinion, given the current limited views from No 36 to the south, and the restricted amount of new build that would be viewed above the boundary fence, along with the presence of the trees on the boundary, the proposal would not lead to an unacceptable sense of enclosure, or appear as an overbearing feature, or unacceptably reduce the outlook.

8. For these reasons I find the development would not lead to unacceptable harm to the living conditions of occupiers of the adjoining dwelling. It would not therefore be contrary to saved Policies QD1, QD14 and QD27 of the Brighton and Hove Local Plan which amongst other things seek developments and extensions of a high standard of design with no loss of amenity to neighbouring properties.
9. I have also considered the impact of the proposal upon occupiers of dwellings in Cobton Drive. Whilst I accept views are available to the rear of the appeal property, given the distance between properties in the two roads, the length of the rear gardens and presence of trees and shrubs, I consider it would not have an unacceptable impact upon the outlook from those properties or appear as an overbearing feature.
10. For these reasons and having considered all other matters raised I conclude the appeal should be allowed. I will impose the usual time limit on commencement of development, a condition requiring the development to be carried out in accordance with approved plans is necessary for the avoidance of doubt and in the interests of proper planning. I will also ensure matching materials are used by way of condition to ensure the extensions blend in with the existing.

Richard Perrins

Inspector