



Appeal Decision

Site visit made on 29 September 2010

by **M A Champion BSc CEng FICE**
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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:
4 October 2010

Appeal Ref: **APP/Q1445/D/10/2134874** **22 Southdown Road, Brighton, BN1 6FH.**

- 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 Simon Hull against the decision of Brighton & Hove City Council.
- The application ref: BH2010/01275, dated 23 April 2010, was refused by notice dated 21 June 2010.
- The development proposed is: a single storey extension to the rear.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is the effect of the proposed development on the living conditions of the residents of 21 Southdown Road with particular regard to visual impact.

Reasons

3. The appeal site lies in a residential area where Policies QD14 and QD27 of the Brighton & Hove Local Plan 2005 deal with extensions and alterations, and protection of amenity. It is located on the eastern side of Southdown Road within the Preston Park Conservation Area, and comprises a two-storey house with a loft conversion in a terrace of similar properties, each of which has an original part-width two-storey rear projection. Ground levels fall from north to south.
4. Although the submitted drawings indicate that the wall on the highway boundary at the front of the house would be altered, this did not form part of the application and was not considered by the Council. It does not, therefore, form part of the appeal before me.
5. There are a number of discrepancies on the drawings, for instance on the floor plans the north-points are incorrectly shown and No 21 is labelled as No 23. While such errors cast doubt on the accuracy of the drawings, and further errors, generally at roof level, have been drawn to my attention, I consider that the drawings are sufficient for me to reach my decision.
6. The proposal has demolished a conservatory at the rear of the rear projection, and constructed in its place a single storey rear extension which occupies the full width of the site and infills the space at the side.

7. Although this has been constructed in a modern style which contrasts with that of the terrace, I concur with the Council that it does not adversely affect the character and appearance of the surrounding area and preserves the character and setting of the Preston Park Conservation Area.
8. As the extension would effectively replace the previous conservatory adjacent to the northern boundary, I do not consider that the development would have a significant effect on the residents of No 23. Neither, in view of the separation distance and relative orientation, would it significantly impact on No 126 Preston Drove.
9. However the extension has resulted in a wall some 8.5 metres long and 3 metres high (above the ground level of No 21) adjacent to the boundary wall with this neighbouring property. Although I have not been provided with details of this property, and it was not possible to discern all its ground floor windows from No 22 owing to the high boundary fence and the falling ground levels, it is reasonable to assume that it has a similar arrangement of windows to that existing on the appeal site prior to the construction of the extension.
10. On that basis No 21 has a rear facing window in the main part of the building and a side facing window in the rear projection, both serving habitable rooms. Having regard to the height and depth of the extension and its proximity to the ground floor windows of No 21 I consider that the living conditions of the residents of this property would be significantly harmed by way of an overbearing visual impact, loss of outlook and an increased sense of enclosure.
11. I acknowledge that the present resident of this property has not objected to the extension but the development would remain long after his use of the property has ceased. Planning permission runs with the land and future residents, whose living conditions would be harmed, might well take a different view.
12. Neighbouring residents express their concern at the standard of building and drainage adopted. These, however, are not material planning considerations but are subject to other legislation. They also object to the noise and disturbance resulting from use of the extension.
13. The site is in an urban area and a degree of noise is to be expected when houses are closely grouped together. The design of the extension with wide folding doors and the hard surfaces used in the rear garden are likely to result in an increased level of noise, but I do not consider that in normal domestic usage this would amount to a sufficient reason to warrant refusal on its own. However it adds weight to my decision on the main issue.
14. I conclude, therefore, that the proposal would adversely affect the living conditions of the residents of 21 Southdown Road by way of an overbearing visual impact, loss of outlook and an increased sense of enclosure, contrary to Policies QD14 and QD27.

M A Champion

INSPECTOR