



Appeal Decision

Site visit made on 23 May 2011

by Elizabeth Fieldhouse DipTP DipUD MRTPI

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

Decision date: 26 May 2011

Appeal Ref: APP/Q1445/D/11/2150923
24 Orchard Gardens, Hove BN3 7BJ

- 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 Ms Katharine Travis against the decision of Brighton & Hove City Council.
 - The application Ref BH2010/03689, dated 15 November 2010, was refused by notice dated 20 January 2011.
 - The development proposed is a two storey side and single storey rear extension.
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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 amenities of the occupiers of 26 Orchard Gardens.

Reasons

3. The proposed side extension involves the retention of the garage with the first floor set back 1m from the front of the garage. The first floor extension would finish flush with the rear of the house. A high pitch gable roof, the eaves of which would align with those in the existing house, tops the side extension. The pitch roof incorporates front and rear roof lights but there are no details of any second floor accommodation. The appeal property is at a higher level and slightly forward of the neighbouring pair of semi-detached houses, 26 and 28 Orchard Gardens. The proposed gable side wall would be approximately 8.5m high to the ridge on the boundary. By reason of the height of the gable wall and having regard to the change in levels, the proposed side extension would be overbearing when viewed from no. 26 and thereby it would have a significant harmful effect on the amenities of those occupiers. The un-neighbourly development would not accord with policies QD14 and QD27 of the Brighton and Hove Local Plan 2005 (LP).
4. There are other two-storey side extensions in Orchard Gardens and Orchard Avenue. None of them are directly comparable in terms of the levels between properties or roof design with the majority having hipped rather than gable roofs. The property in Orchard Gardens that does have a gable roof to the side extension is on the same level as the neighbouring property and demonstrates the overbearing impact of a gable side wall on the boundary. The other developments in the vicinity are not identical in all respect to the appeal proposal and do not provide a justification for the proposed side extension.

5. To the rear of the two storey side extension, there would be a single storey rear extension with a flat roof. The proposal would project about 2m beyond the existing kitchen extension, making a total project beyond the main rear wall of the dwelling of 4m along the boundary with no.26. Nevertheless, with the set back of that property compared to the appeal property and the flat roof extension to no.26, the total proposed single storey extension from the main rear wall on the kitchen side would not result in harm.
6. The flat roofed extension would continue across the back of the property terminating very close to the boundary with no.22. This part would be stepped back to project only 2.7m from the main rear wall of the house. No. 22 has a bay window near the mutual boundary and, although one side of the bay would face towards the proposed extension, the extension would sit within a 45° angle taken from the centre of the bay window. This would accord with the advice in the explanatory text to LP policy Q14. The side outlook for the occupiers of no.22 would change to include the top of the proposed extension behind the approximately 1.8m fence. This would not be such a change as to cause unacceptable harm or a justification for withholding planning permission. LP policies QD14 and QD27 would be met in respect of the single storey extension.
7. Nevertheless, despite my conclusions in respect of the single storey rear extension, as it is directly linked to the side extension, a split decision cannot be issued. For the reasons given and having regard to the harm from the side extension, the appeal should be dismissed.

Elizabeth Fieldhouse

INSPECTOR