



# Appeal Decision

Site visit made on 23 July 2008

By **S J Turner** RIBA MRTPI IHBC

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

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Decision date:  
31 July 2008

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**Appeal Ref: APP/Q1445/A/08/2067789**  
**10 Radinden Manor Road, Hove, BN3 6NH**

- 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 Paul and Mrs Susannah Kendrick against the decision of Brighton & Hove City Council.
- The application Ref BH2007/03021, dated 9 August 2007, was refused by notice dated 3 October 2007.
- The development proposed is a two storey rear extension.

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## Decision

1. I dismiss the appeal.

## Main issue

2. The main issue is the effect of the proposal on the living conditions of the occupants of No 12 Radinden Manor Road.

## Reasons

3. The original drawings, PO1 and PO2, have been replaced by amended drawings PO1A and PO2A which indicate correct labelling of elevations. As the amended drawings indicate no other changes I have treated them as the drawings for consideration in this appeal.
4. Dwellings along this side Radinden Manor Road are predominantly large detached houses in spacious plots. However the appeal property is situated close to the boundary with its neighbour, No 12 which is a modest chalet style bungalow situated to the north east. The proposed two storey extension would project from the rear elevation and extend along the side boundary with No 12.
5. I have carefully considered the results of the appellant's technical report, which analyses the impact of the proposed extension on No 12. The right to light study, comparing vertical sky component before and after the proposed extension, demonstrates that the proposal would not infringe the right to light of No 12. In considering overshadowing the report demonstrates that the extension would reduce sunlight to the garden of No 10 for 2 hours on 21 March, the spring equinox and would result in partial overshadowing of the house between 15:00 and 17:00 on 21 June. As less than 25% of the garden would be affected on the March 21 example this is not considered significant overshadowing according to the BRE publication "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice." Furthermore I note that on

the June 21 example the most affected window would be that to the garage and that in winter the extension would only lengthen existing shadows.

6. None of these results is considered significant individually. However the overshadowing of a part of the garden close to the house in spring and autumn, shadows cast across the rear french windows on summer afternoons and a reduction in sunlight falling on the garden in winter would have a cumulative impact on the living conditions of occupants of No 12. In addition to this the presence of the extension so close to the boundary, a solid wall which would be higher than existing trees and hedgerow, would have an overbearing impact on the adjacent garden. I consider that all of these factors would combine to have an unacceptable harmful effect on the living conditions of the occupants of No 12.
7. I note the appellant's reference to a scheme for redevelopment at the King Alfred Centre but I have considered this proposal on its own merits, based on my observations at the appeal site and the relevant policies. I also note that No 14 has a two storey rear projection. However from the site location plan and in views from the street I observed that this does not project back significantly beyond No 16, which has a deep plan itself. Neither of these matters or other points raised by the appellant is sufficient to outweigh my conclusion on the main issue.
8. I consider that the proposal would result in a harmful loss of loss of outlook and sunlight and would conflict with the objectives of Brighton and Hove Local Plan 2005 Policies QD14 and QD27. I therefore conclude that the appeal should be dismissed.

*Sue Turner*

INSPECTOR