



Appeal Decisions

Site visit made on 2 October 2008

by **S J Emerson BSc DipTP MRTPI**

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

10 OCT 2008 *Delegated*

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Decision date:
10 October 2008

? **Appeal A: APP/Q1445/A/08/2075399**
93 Hornby Road, Brighton, BN2 4JH.

- 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 Miss A Sheppard against the decision of Brighton & Hove City Council.
- The application Ref BH2007/02969, dated 17 September 2007, was refused by notice dated 20 November 2007.
- The development proposed is a side extension at first floor for additional bedrooms over existing flat roofed ground floor extension.

✓ **Appeal B: APP/Q1445/A/08/2075398**
93 Hornby Road, Brighton, BN2 4JH.

- 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 Miss A Sheppard against the decision of Brighton & Hove City Council.
- The application Ref BH2008/0639, dated 4 February 2008, was refused by notice dated 8 April 2008.
- The development proposed is a side extension at first floor for additional bedroom No 3 over existing flat roofed ground floor extension.

Decisions

Appeal A

1. I dismiss the appeal.

Appeal B

2. I dismiss the appeal.

Main issues

3. The main issues for both appeals are:
 - (a) The effect on the living conditions of the occupiers of 91 Hornby Road, with particular regard to light and outlook.
 - (b) The effect on the street scene.

Reasons

4. No 93 Hornby Road is a semi-detached house. It is part of a large, planned estate with mainly semi-detached houses in this part of Hornby Road. The house has a flat roofed side extension which extends well to the rear of the main house. The 2 appeal proposals are similar. Both would extend across the

full width of the ground floor extension. Both would have a fully hipped roof to match that of the main house. The ridge of the extension would be below that of the main house. In appeal A, the extension would be set back 1m from the front wall of the house and align with the rear wall. In appeal B, the extension would be set back only 0.3m from the front wall, but 1m from the rear wall. The extension in appeal B thus has a slightly shorter depth than in appeal A.

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5. The front of No 93 lies to the rear of the adjoining pair of semi-detached houses (Nos 91 and 89). On the side of No 91 is a single storey element which has a frosted glass door to the rear and a frosted window in the side facing the boundary with the front garden of the appeal site. The nearest window in No 91 with any outlook is that of the kitchen (above which is a bathroom window, also with frosted glass). Both of the proposed extensions would be a prominent feature in the outlook from this kitchen window. The occupiers of No 91 expressed concern at the loss of view towards the downs over the top of the ground floor extension and in response to the first application suggested that the extension be set back from the main rear wall to permit an oblique view. I give no weight to the loss of the view of the downs in the mid distance. I am concerned, however, that both of the extensions would appear as a bulky and overbearing structure close to the boundary with No 91, not only from the kitchen window, but equally from that part of the garden closest to the house. The impact of the 1st floor extension is made more significant in this location because of the long flank wall of the ground floor extension which extends some 6m further down the rear garden close to the boundary.
 6. The Brighton and Hove Local Plan 2005 indicates (paragraph 3.57) that an important guideline when assessing 2 storey extensions is whether the extension would intercept a 45 degree line drawn from the quarter point of the nearest ground floor window of the adjoining house. Both of the appeal proposals would breach such a line. I consider that this advice is more relevant than that highlighted by the appellant from a neighbouring authority.
 7. Both of the proposed extensions would block for a short period some morning sunlight falling on the rear face of the house and the garden closest to the house. But in my view, the duration and extent of the increased shading would not be so great as to cause material harm. I am satisfied that both of the extensions would be sufficiently distant from No 91 not to materially reduce daylight levels within No 91, especially given the gap between the rear wall of No 91 and the front wall of No 93. This gap would allow midday and afternoon sunlight to continue to reach that part of the garden closest to the dwelling.
 8. Despite the acceptable impact in relation to sunlight and daylight, I consider that both of the extensions would have an overbearing impact on the outlook from No 91 when in the kitchen and when in the garden and, as a result, harm the living conditions of present and future occupiers. There is therefore conflict with policies QD14b (extensions and alteration) and QD27 (protection of amenity) of the Brighton and Hove Local Plan 2005.
 9. The Council has no objection to the design of the extension in appeal A. The 1m set back from the front wall of the house and the lower ridge height than that of the main roof would ensure that the extension was a suitably subservient addition and did not adversely affect the symmetry of the front elevation of the pair of semi-detached houses. The set back of 1m or so is
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similar to the set back on several side extensions nearby in Hornby Road. The extension in Appeal A would have no adverse impact on the street scene.

10. The set back in appeal B is only 0.3m. This would be sufficient to create a visual break between the front wall of the main house and the proposed extension, but the extension would not be subservient to the original front elevation. It would have a slight adverse impact on the symmetry of the pair of semis and does not represent good design, given that there is the opportunity of a more substantial set back as demonstrated in appeal A. There would be a minor adverse impact on the street scene. There is therefore some conflict with policy QD1 (design) and QD14 a (extensions and alteration) of the local plan. This harm and conflict with policy adds some weight to the harm I have already identified.
11. I appreciate that the appellant has a pressing need for additional bedrooms given the size of the family living in the house. But this need does not outweigh the harm that the extension would have on the living conditions of the adjoining occupiers, especially as the extension would remain long after the appellant's needs had ceased to be relevant.

Simon Emerson

INSPECTOR

