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# Appeal Decision

Site visit made on 16 July 2013

**by S Holden BSc MSc CEng TPP MRTPI FCIHT**

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

**Decision date: 23 July 2013**

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**Appeal Ref: APP/Q1445/D/13/2198773**  
**40 Aldrington Avenue, HOVE, BN3 7EN**

- 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 David Martin against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/00073 was refused by notice dated 28 February 2013.
  - The development proposed is to erect a conservatory at rear.
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## Decision

1. The appeal is dismissed.

## Main issues

2. The main issues are the effects of the proposed extension firstly, on the character and appearance of the host property and the surrounding area and secondly, on the living conditions of the occupants of No 38, in relation to visual intrusion.

## Reasons

### *Character and appearance*

3. Aldrington Avenue is characterised by semi-detached houses in modest sized plots. No 40 is paired with No 38. Both already have single storey rear extensions. The extension at No 40 has a mono-pitched, tiled roof; No 38 has a conservatory with a mono-pitched roof. The other neighbouring property, No 42, has a brick built extension with a flat roof. No 40 also has a lightweight corrugated plastic canopy that provides some enclosure and protection from the weather for the patio situated to the rear of the house. This currently occupies the full width of the existing extension. The proposal seeks to remove this canopy and replace it with a conservatory that would occupy just over half the width of the rear extension and would project 3.3m beyond it.
4. Rear extensions are a feature of many of the surrounding properties. However, the proposal to add a conservatory to the rear of No 40 would result in the enlarged building projecting some 6.4m beyond the original rear elevation. This would be out of proportion with the host property and out of keeping with other dwellings in the vicinity. The proposed conservatory would be a more permanent and enclosed structure than the lightweight canopy that it would replace. It would be a little taller in height and its proposed roof form would create an awkward relationship with the existing dwelling. It would therefore

fail to integrate effectively with the host property, but would appear to be an incongruous and over-sized addition to this modestly proportioned dwelling.

5. I therefore conclude that the proposal would be harmful to the character and appearance of the host property and the surrounding area. It would be contrary to saved Policy QD14 of the Brighton & Hove Local Plan, which seeks development that is well designed, sited and detailed in relation to the host property. It would also fail to comply with the National Planning Policy Framework's advice to always secure development of good design that would improve the quality of the built environment.

#### *Living conditions*

6. Immediately to the rear of the house the shared boundary with No 42 is a brick wall. However, adjoining No 38 there is a close board fence and an section of obscure glazing that supports the existing canopy. These features project out to the depth of the existing canopy. The replacement of the existing structure with the proposed conservatory would therefore not adversely affect the outlook from either of these neighbouring dwellings. It is likely that the additional depth and height of the proposed conservatory would be apparent from the garden of No 38. However, in view of the existing boundary treatment and the presence of mature vegetation within both gardens, I am not persuaded that the proposal would appear overbearing or visually intrusive for these neighbours.
7. I therefore conclude that the proposal would not be harmful to the living conditions of the occupants of either of the adjoining dwellings. In this regard it would comply with saved Policy QD27 of the Local Plan, which seeks to ensure that development does not have unacceptable effects on the amenity of the City's residents.

#### **Conclusion**

8. I appreciate that the appellant wishes to improve the rear of the house and to provide additional living space by replacing the existing plastic corrugated canopy with a more substantial and permanent conservatory. I have concluded that the proposal would not be harmful to the living conditions of neighbours. However, this positive aspect of the scheme and the use of higher quality materials to replace the existing structure would not outweigh the harm I have identified to the host property and the surrounding area.
9. For this reason, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR