



## Appeal Decision

Site visit made on 8 July 2016

**by Timothy C King (BA Hons) MRTPI**

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

Decision date: 16 August 2016

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### **Appeal Ref: APP/Q1445/D/16/3149007**

### **213 Goldstone Crescent, Hove, BN3 6BD**

- 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 Wayne Andrews against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03611, dated 7 October 2015, was refused by notice dated 1 February 2016.
  - The development proposed is '*single storey rear extension.*'
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### **Decision**

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 213 Goldstone Crescent, Hove, BN3 6BD in accordance with the terms of the application Ref BH2015/03611, dated 7 October 2015, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. PBP0397/01, Block Plan and Site Location Plan.
  - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

### **Procedural Issue**

2. Subsequent to the site visit itself, in accordance with a prior formal request, I viewed the appeal site from the rear gate at No 211 which enabled me to look across this property's rear building line towards the existing conservatory at No 213.

### **Main Issue**

3. The main issue is the effect on the living conditions of neighbouring occupiers.

### **Reasons**

4. The appeal dwelling has already been extended at ground floor level. There exists a partial width ground floor addition which runs alongside a side garage positioned close to the common boundary with No 215, and also a conservatory
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to a slightly lesser depth, attached to the extension and set just back from side boundary with No 211. It is proposed to demolish the conservatory and create an addition which would allow for a flush rear building line, but stopping short of the common boundary with No 211. The separation distance between would accord with that of the existing conservatory.

5. In its reason for refusal the Council cites the proposal's impact on No 211 although, whilst I agree that this is the only property that could be potentially affected by the development, having gauged the existing relationship between the two properties, my findings are somewhat different from the Council's assessment.
6. Although the land slopes down gently eastwards, meaning that No 211's ground level is slightly lower than No 213's, the conservatory is set back from the boundary and, in terms of natural light, No 211 lies favourably to the south east. From my observations I do not consider that the existing conservatory adversely affects its immediate neighbour. The proposal would increase the depth of the rear projection to some 5m and, although the extension's eaves level facing No 211 would be slightly higher the roof height would be significantly lower than the conservatory's existing ridge. It is proposed that the extension would have a plain flank wall with an obscurely glazed high level window, as is annotated on the proposed elevational and floor plans.
7. Although the Council considers that the solid finish, contrasting with the glazed conservatory, would increase the degree of bulk and massing I consider that the height reduction combined with the mature vegetative screening planted in No 211's garden would serve to mitigate any effects arising from the additional depth. No 211's French windows would be unlikely to suffer from additional overshadowing to that which is currently the case and, with the above factors in mind, I am not convinced that the proposal would amount to an overbearing development giving rise to an unacceptable sense of enclosure.
8. I have had due regard to the relevant policies, QD14 and QD27, from the Brighton & Hove Local Plan (LP) and also design guidance for the Council provided in the form of a Supplementary Planning Document (SPD12). I can, though, find no compelling reasons in the various provisos thereto, relevant to the circumstances involved in this particular case, which would suggest that the proposed extension would be unacceptable in its contextual setting. I thereby conclude that the proposal would not be harmful to the living conditions of neighbouring occupiers and there would be no material conflict with LP Policies QD14 and QD27 or SPD12.
9. For the above reasons, and having taken into account all matters raised, the appeal succeeds.

*Timothy C King*

INSPECTOR