



Appeal Decision

Site visit made on 30 July 2012

by W D Munday BTP MRICS MRTPI

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

Decision date: 21 August 2012

Appeal Ref: APP/Q1445/D/12/2178049
13 Vere Road, Brighton, BN1 4NQ

- 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 Lady Paula Maclaurin against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/00402 was refused by notice dated 20 April 2012.
 - The development proposed is construction of external platform and staircase with balustrade and trellis leading from the ground floor to rear garden; installation of door to rear elevation at ground floor level to replace existing window; installation of trellis to boundary wall (part retrospective).
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Application for Costs

1. An application for costs was made by Lady Paula Maclaurin against Brighton and Hove City Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for construction of external platform and staircase with balustrade and terrace leading from ground floor to rear garden; installation of door to rear elevation at ground floor level to replace existing window; and installation of trellis to boundary wall at 13 Vere Road, Brighton, BN1 4NQ, in accordance with the terms of the application, Ref. BH2012/00402, dated 10 February 2012, subject to the following condition:
The door, staircase and platform hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed from the site within 6 months of the date of failure to meet any one of the requirements set out in (i) to (v) below:-
 - (i) within 3 months of the date of this decision the proposed alterations to the platform and the installation and replacement of the trellises shall have been carried out in accordance with the following approved plans: 10 Lower Ground Floor Plan – As Proposed; 11 Ground Floor Plan – As Proposed; and 12 West (Rear) Elevation – As Proposed.
 - (ii) within 3 months of the date of this decision a detailed scheme of planting shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - (iii) if within 6 months of the date of this decision the local planning authority refuse to approve the planting scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as valid by, the Secretary of State.

(iv) if an appeal is made in pursuance of (iii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

(v) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

Preliminary Matter

3. At the time of my site visit, an external staircase and platform with balustrade had been constructed at the rear of the property, and a door had been installed which opened on to the platform, all of which appeared to me to accord with the "as existing" application drawings. The "as proposed" drawings indicate that the platform would be adapted by re-positioning the side balustrade further from the boundary with no. 15, and surmounted by a dense weave garden trellis. The appellant's appeal statement indicates that a planter would be provided to the side of the platform and an indication of planting in this position is shown on the "as proposed" drawings. These drawings also show a replacement dense weave garden trellis surmounted on the boundary wall between the appeal site and no. 11, which, as indicated in the statement accompanying the application, would not exceed a height of two metres. This would replace an existing, relatively open trellis in the same position. In these circumstances, I have considered the proposal on the basis that it relates to the rear door, staircase and landing as I found on site, but adapted as shown on the "as proposed" drawings, together with the replacement of the trellis on the boundary with no. 11.

Main Issues

4. I consider the two main issues to be, firstly, the impact of the proposal on the living conditions of the occupiers of the neighbouring residential properties, nos. 11 and 15 Vere Road, with particular regard to any loss of privacy; and secondly, the impact on the character and appearance of the host building and surrounding area.

Reasons

Living Conditions

5. The appeal property is within a long terrace of houses which are three storeys in height on the front elevation, and four storeys on the rear elevation, although several properties have also been the subject of rear dormer window additions at roof level. The relatively confined rear gardens are therefore already overlooked to a large extent from the upper floors of neighbouring properties in the terrace. The door, platform and staircase the subject of this appeal lead down from the ground floor accommodation of the property to the rear garden, which is at approximately the same level as the existing lower ground floor.
6. It is acknowledged in the officer's report on the application that the proposed modifications to the structure, including relocation of the balustrade, and the provision of the proposed trellis and associated planting, would reduce overlooking from the platform towards the rear of no. 15 and the adjacent garden area. The report further indicates that views of the rearmost section of the garden at no. 15 would remain. In my judgement, the relatively intensive nature of surrounding development and the existing outlook from numerous

windows is such that levels of privacy within neighbouring rear gardens are already compromised. This situation is alleviated to some extent for the occupiers of no. 15 by existing, established boundary planting at no. 13. I consider in these circumstances that, with the proposed modifications, the development would not result in a significant reduction in privacy within no. 15 and its adjacent garden, relative to the case before the staircase and platform were constructed and the new door was installed; this door, as the application drawings indicate, has a much smaller area of glazing than the rear window which it replaced.

7. With regard to no. 11, the officer's report again acknowledges the screening effect of existing planting, and accepts that the proposed replacement trellis on the boundary would assist in restricting views into the adjacent garden area. The report explains that there remain concerns about views into side facing windows at no. 11. At least one of these windows appears to be formed with obscured glass. From my observations on site, views from the platform towards these windows are restricted to positions close to the edge of the platform by the existing rearward projection at no. 13. Otherwise, on descending the staircase, the windows only came into my view on the fourth step down, and below that were cut off by the single storey rear extension at no. 13. In these circumstances, the platform and staircase only provide the possibility of transitory glimpses of the relevant windows, and as such, I do not consider that conditions of privacy within no. 11 will be unacceptably diminished.
8. The officer's report suggests that the platform is large enough to be used as an external amenity area. With the proposed reduction in its area to approximately 1.2m by 1.2m, I consider the scope for this is limited, and with the further measures in place as proposed in the application, this possibility does not in my view represent a significant threat to the privacy of any neighbouring property.
9. I conclude on the first main issue that the proposal would not unacceptably detract from living conditions in neighbouring properties and in this respect I consider there to be no conflict with policies QD14 or QD27 of the Brighton and Hove Local Plan 2005.

Character and Appearance

10. The site of the development is entirely enclosed by the unbroken terraces of houses in Vere Road and Warleigh Road. It is therefore not visible from public areas and its field of visibility is limited to adjoining properties and gardens, and the backs of houses in Warleigh Road. It was apparent from my site visit that there had been alterations to the backs of houses in Vere Road, including a number of dormer additions. There were also external staircases of different designs at two nearby properties, although I note that the Council has indicated that these do not benefit from planning permission and are the subject of investigation. The Council's refusal reason refers to the scale, design and positioning of the structure, but given its function of allowing access from upper floors to the rear garden, I do not find these aspects excessive or inappropriate. The dark staining of the staircase is a contrast with the white painted rendering on the rear elevation of the appeal property, but in the context I have described I do not consider this to detract unacceptably from the character or appearance of the host building, the terrace of houses of which

it forms part, or the surrounding, enclosed garden environment. I see no conflict of substance in this respect with local plan Policy QD14.

Conclusions

11. I have considered policies in the National Planning Policy Framework in relation to the main issues, but in the light of the facts in this case the Framework does not alter my conclusions. I have taken into account two previous appeal decisions and four decisions of the Council in favour of similar forms of development, details of which have been provided by the appellant. In some respects the issues appear to be similar, however from the information available it is not apparent that the relationships of the developments to neighbouring properties were directly comparable to the present appeal case. In these circumstances, I have attached little weight to these decisions. Nevertheless, on the particular circumstances of this case, I conclude that the appeal should be allowed for the reasons given above.

Conditions

12. As mentioned in paragraph 3 above, the development the subject of the appeal has been partially carried out. The proposal includes further alterations including adjustments and the addition of a planter and trellis to the platform and the replacement of the existing trellis on the boundary with no. 11. I consider a condition is necessary to ensure that these changes are put in place; failing this, the development would be likely to detract unacceptably from neighbours' living conditions. I do not consider further conditions are necessary to prevent the use of the external platform as an outside amenity area, or to require the staining of the structure in a different or lighter shade, as suggested by the appellant.

W D Munday

INSPECTOR