



Appeal Decision

Site visit made on 8 October 2012

by John Papworth DipArch(Glos) RIBA

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

Decision date: 22 October 2012

Appeal Ref: APP/Q1445/D/12/2182721

25 The Droveaway, Hove, East Sussex BN3 6LF

- 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 A Standing against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/01194, dated 19 April 2012, was refused by the Council by notice dated 1 June 2012.
 - The development proposed is patio doors and glass balustrade at second floor.
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Decision

1. I dismiss the appeal insofar as it relates to the glass balustrade. I allow the appeal insofar as it relates to the full height glazing and grant planning permission for patio doors at second floor level at 25 The Droveaway, Hove, East Sussex BN3 6LF in accordance with the terms of the application, Ref BH2012/01194, dated 19 April 2012, and the plans submitted with it so far as relevant to that part of the development hereby permitted.

Main Issues

2. These are;
 - The effect of the proposal on the character and appearance of The Droveaway area of Hove.
 - The effect of the proposal on the living conditions of neighbouring residential occupiers with particular regard to privacy.

Reasons

Preliminary Matters

3. The appellant considers that there is no need for planning permission for either the glazed doors in place of the permitted windows, or for the use of the roof as a balcony and works to provide for that use. Be that as it may, a full application has been made, it has been refused, and an appeal has been lodged. It is necessary therefore to determine the appeal. The proposals are referred to as being retrospective and it is clear that the balcony was in place at one stage. At the time of the site inspection the parts had been taken down and stacked out of sight on the roof. The glazed doors were in place. Lastly, whilst the Council had requested that a view be taken from the neighbouring property, that occupier was not available at the time of the site inspection and did not object in response to contact made by the Planning Inspectorate subsequent to the event. The view from the location of the balcony together

with the photographs attached to the Council's committee report are sufficient to be able to determine the appeal in respect of the second main issue.

Character and Appearance

4. The Brighton and Hove Local Plan Policy QD14 requires extensions to be well designed, sited and detailed in relation to the property to be extended, adjoining properties and the surrounding area, and which use materials sympathetic to the parent building. In this case the building is unlike those that are around it and has its own distinctive character and appearance. It is not a listed building or otherwise identified as being a heritage asset, and is not within a conservation area or subject to other protection.
5. Looking first at the glazed doors, these replace what are shown on the approved drawings as two separate windows with the distinctive horizontal glazing bars reminiscent of 'Crittall' steel windows used in 1930s houses of this type. However, it is clear from the committee report photographs and in observations on site that the horizontal glazing bars at first and second floor level are lost in many views as the reflection of sky or clouds is of the unbroken pane of glass, the bars being between the panes. Any effect of the glazed doors being notably different is limited and within the context of this being an extension, acceptable. The increased depth of doors over windows is not readily seen and in a building where deep windows are part of the architectural treatment, is not harmful either. The loss of the solid panel between the two windows does not adversely affect the composition.
6. The glazed roof terrace balustrade would be essentially transparent and would not in itself appear out of place on this highly glazed building. However, such roof terraces are for using, and there is a likelihood of items being placed on the terrace that could appear out of place at that height and on this plainly detailed building, described by the appellant as 'minimalist'. The extent of the terrace, around the front as well as the side, could result in visible domestic paraphernalia silhouetted against the sky that would upset the clean lines of the building and cause harm to the character and appearance of the area. Whilst it might well be possible to sit out on the roof or place items on it, as stated by the appellant, without it being a proper balcony, considerations of safety make this unlikely. The formation of a balcony with guarding and a walking surface would therefore be likely to result in a use and placing of domestic items that would be contrary to Local Plan Policy QD14 in its effect on the streetscene and the character and appearance of the area.

Living Conditions

7. The first consideration in this issue is again the replacement of windows with doors. The Council's photograph of the view from number 27 shows a large first floor window and the second floor glazing being able to see over the adjacent garden. But, the cut-off of the second floor glazing caused by the projection of the first floor means that the amount of overlooking possible from doors rather than from windows is no different. Also overlooking would tend to be from a standing position where again there is no difference. The loss of the small solid masonry would make only a marginal difference. In conclusion, the change from windows to doors would not cause harm.
8. The effect of the proposed balcony would be materially worse. The ability to stand closer to the edge of the projecting first floor roof would allow a view

over more of the neighbouring garden. It is the case that this is similar to that of the existing first floor bedroom corner window, but is that much worse from being higher. The main consideration is that whilst a view from a bedroom window may be possible, it is less likely to be one that is lingered over. A balcony is more likely to result in prolonged use and would tend to give a much more pronounced feeling of unwelcome and intrusive surveillance.

9. It does appear to be the case that the neighbours presently occupying number 27 do not object, but good planning should aim to produce acceptable relationships between buildings for future occupiers as well as those presently living there. In this case the degree of overlooking and lack of privacy is such as to fail to accord with Local Plan Policies QD14 and QD27, which seek to avoid such loss of privacy.

Conclusions

10. There are two parts to the development, and the doors in place of the previously permitted windows would not cause harm to either the character or appearance of the building and its surroundings or the living conditions of neighbouring residential occupiers. That part would accord with the relevant Development Plan policies. The roof balcony would, due to its location and extent, and its likely use, harm the streetscene and the appearance of the building, and would risk causing unacceptable loss of privacy to the rear private garden of the neighbouring dwelling.
11. The two parts are separable in planning terms, although without the guarding, the use of the doors would need to be restricted, as a duty of the owner, but there is no reason to dismiss the appeal for the full height glazing as it causes no harm. It is therefore concluded that the appeal should be allowed in relation to the glazing but that for the formation of the balcony with a glass balustrade the appeal should be dismissed. Being retrospective in the part that is acceptable and for which permission is granted, there is no need for conditions. Account has been taken of the situation of the other property in the road referred to but on the merits of the appeal case, this does not alter the conclusion.

S J Papworth

INSPECTOR

