



Appeal Decision

Site visit made on 29 October 2012

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

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

Decision date: 6 November 2012

Appeal Ref: APP/Q1445/D/12/2183638

42 Chichester Drive West, Saltdean, Brighton, BN2 8SH

- 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 M Hawkins against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/01518 was refused by notice dated 11 July 2012.
 - The development proposed is rear balcony to existing dormer (resubmission of BH2011/02154).
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effects of the proposed balcony on the:
 - a) living conditions of occupants of adjoining properties in relation to overlooking and loss of privacy;
 - b) character and appearance of the host property and the surrounding area.

Reasons

Living conditions

3. No 42 is a detached chalet bungalow on a modest sized plot. It has a bedroom and bathroom on the first floor. A rear dormer window has windows serving the landing and the bathroom. The position of these windows means that views from them are restricted due to their height above the floor. The proposal is to enlarge the dormer to provide doors that would open onto a small balcony. A full-length glass panel, with the appearance of a door, would serve the bathroom. The balcony would occupy the full width of the dormer window.
4. The Council refused a similar proposal in 2011, Ref BH2011/02154, due to the overlooking of adjoining properties. The current proposal includes a 1.8m screen on the northern side of the balcony to restrict views towards No 44. This adjoining property is a two storey detached house with doors at first floor level opening onto a balcony that occupies the full width of the house. The use of obscure glazing on the northern side of the proposed balcony would remove direct inter-visibility between the two properties. In my view this amendment would address the issue of harmful overlooking of No 44. However, it is also necessary to consider the effects on the other adjoining property, No 40.

5. No 40 is set further back on its plot and its rear elevation protrudes beyond that of No 42. There are windows on the ground floor of its side elevation that face No 42. It is possible to look towards these windows from the existing landing window of No 42, but views into the house are limited by the obliqueness of the angle of view and the presence of venetian blinds on the windows in No 40. However, the proposed balcony would provide an area in which it would be possible to sit outside and look more directly towards these side windows. I consider that this would give rise to a strong perception of being overlooked for the occupants, notwithstanding the presence of the venetian blinds. There would also be increased overlooking of the rear garden of No 40 as a result of the increased size of the window and the balcony. This loss of privacy would make the house and garden of No 40 less pleasant places to be.
6. No 42 backs onto No 37 Arundel Drive West. A fence marks the shared boundary and other vegetation within both gardens provides additional screening. The garden of No 42 falls away to the rear of the dwelling and from the ground floor only the first floor bedroom windows of No 37 can be seen. However, from the existing landing window it is possible to see over the fence and directly into the living room of No 37. This room has full height patio doors that open onto the garden. The existing window in No 42 is not part of a habitable room and the position of the window is relatively high above floor level. It therefore seems to me that any existing overlooking towards the living room or bedroom windows is likely to be fleeting in nature. The loss of privacy for the occupants of No 37 arising from the existing window is not materially harmful.
7. The insertion of the proposed balcony would significantly change this situation. The window would be larger extending down to floor level. It would therefore provide increased opportunities for overlooking from within No 42. In addition the proposed balcony would be outside and noticeably nearer the rear boundary. It would therefore be possible for someone to sit out on this balcony and look directly towards the bedroom and into the living room of No 37. This overlooking could take place for lengthy periods of time. The loss of privacy would also be increased if the occupants of No 37 opened their patio doors, further exposing views into the living room. I consider this would result in a materially harmful loss of privacy for the occupants of this property.
8. I conclude that the proposed balcony would be harmful to the living conditions of occupants of No 40 and No 37, arising from overlooking and a loss of privacy. It would therefore fail to comply with saved Policy QD27 of the Brighton & Hove Local Plan, which seeks to protect the city's residents from unacceptable loss of amenity arising from development proposals.

Character and appearance

9. The existing dormer window in the rear roof slope is a modest structure. The proposal would significantly enlarge this with the base of the window just above the eaves level. However, given the size of the existing roof slope the enlarged dormer and balcony would not overwhelm the appearance of the rear of the dwelling. The balcony would appear to be proportionate and the use of glass to enclose it would not appear incongruous in this setting. The proposed obscure glazing panel on the northern side would increase the bulk of the balcony, but as the structure would be to the rear of the dwelling and would not be visible from the public domain, I consider it would be acceptable in its

context. The enlarged dormer would not appear to be contrary to the advice and guidance set out in the Council's Supplementary Planning Guidance: *Roof Alterations and Extensions*.

10. I therefore conclude that the proposed balcony would not be harmful to the host property or the character and appearance of the area. It would comply with saved Policy QD14 of the Local Plan, which seeks high standards of design that respects its setting.

Conclusions

11. I appreciate that the appellant would like the opportunity to enjoy the view over the surrounding area and towards the sea that an enlarged dormer window and balcony would provide. However, this is not a material planning consideration to which I can attach any weight.
12. I am satisfied that the physical alterations would be acceptable in their context. However, I have found that the introduction of the balcony would give rise to a material loss of privacy for the occupants of neighbouring properties that would be harmful to their living conditions. I consider this to be a sufficient reason for the appeal to fail.
13. For this reason, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR

