



Appeal Decision

Site visit made on 18 March 2014

by **E A Lawrence BTP MRTPI**

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

Decision date: 21 March 2014

Appeal Ref: APP/Q1445/D/14/2213754

26 Saltdean Drive, Saltdean, Brighton, BN2 8SB

- 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 B Mather against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/03920 was refused by notice dated 13 January 2014.
 - The development proposed is the erection of a new external steel balcony structure to the rear elevation and provision of new French doors to access the balcony from the first floor lounge.
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Preliminary matter

1. On 6 March 2014 the Planning Practice Guidance (planning guidance) was published by the Department for Communities & Local Government. In relation to this Appeal the planning guidance refers to the design statements set out in the National Planning Policy Framework (NPPF), which are addressed in this decision.

Decision

2. The appeal is allowed and planning permission is granted for the erection of a new external steel balcony structure to the rear elevation and provision of new French doors to access the balcony from the first floor lounge at 26 Saltdean Drive, Saltdean, Brighton, BN2 8SB in accordance with the terms of the application, Ref BH2013/03920, dated 18 November 2013, 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: Location plan, MM/001/01 and MM/001/02 Revision A.
 - 3) No development shall take place until a detailed drawing(s) at 1:50 scale or greater, showing the precise dimensions and shape of the galvanized steel supports, timber balustrade and glazing frame and the glazing pattern have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

- 4) No development shall take place until full details of the colour and finish of the proposed galvanized steel supports, timber balustrade and glazing frame have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Main issues

3. The first main issue is the effect of the scheme on the character and appearance of the host property. The second main issue is the effect of the scheme on the living conditions of the occupiers of the nearby and adjacent dwellings, with particular regard to privacy, noise and disturbance.

Reasons

Character and appearance

4. The Appeal site is located in a mixed residential area located on land which rises steeply to the west. As a consequence the Appeal dwelling sits at a much lower level than the highway and it appears as a bungalow within the street scene. To the rear the dwelling is a full two storeys in height with a dormer at second floor level. The rear of the dwelling is of no particular architectural merit, having both a flat rear elevation and irregular suburban fenestration.
5. The proposed balcony would be well proportioned and would sit centrally within the rear elevation of the dwelling. Together with the proposed first floor doors it would relieve the strong flat and horizontal lines of the rear elevation and would relate appropriately to the first floor living space. Accordingly, subject to the use of appropriate materials and finishes, the proposed balcony would blend in appropriately with the host dwelling and the rear garden environment.
6. However, few details are provided regarding the colour, tone and detailed design of the proposed galvanised steel supports, timber balustrade and glazing frame. These features all need to respect the colour and tones of the host building and the lightweight appearance of the existing fenestration. Whilst no conditions are suggested by the Council, this is a matter which would need to be made the subject of conditions. Similarly, a condition is required which ensures that the scheme is implemented in accordance with the approved plans. This is for the avoidance of doubt and in the interests of proper planning.
7. I conclude on this main issue that the scheme would blend in satisfactorily with the character and appearance of the host property and the surrounding area. It would therefore comply with policies QD2 and QD14 of the Brighton and Hove Local Plan, which require extensions to be well designed and detailed in relation to the host dwelling and its surroundings. Development should take into account local characteristics and materials should be sympathetic to the host dwelling. The NPPF likewise requires new development to respond to local character and reflect the identity of local surroundings and materials.

Living conditions

8. Balconies are a common feature within this area of steeply undulating downland and in general they are positioned to provide expansive views across the valley and towards the coast. The dwellings are constructed on steeply

sloping ground and this together with the balconies results in some overlooking between dwellings and gardens at different levels.

9. The Appeal dwelling sits at a considerably higher level to the adjacent dwellings in Chichester Drive West, and its main living accommodation is at first floor level. As such the outlook from the kitchen, dining area and living room of the Appeal property is towards and over the dwellings in Chichester Drive West, across the valley and towards the coast. Also, there is a row of mature evergreen trees adjacent to the rear boundary of the Appeal property, which materially reduces the scope for looking into the rear garden of the adjacent property.
10. The proposed balcony would project slightly closer to the rear gardens of the properties in Chichester Drive West. However due to its modest size its scope for recreational use would be limited. Also, the proposed balcony floor and timber balustrade would considerably reduce the scope for overlooking from the dining area window and the adjacent living room and kitchen windows.
11. The rear elevations of the adjoining dwellings are set back from the rear elevation of the Appeal property. In addition, the proposed balcony would be just 2 metres in depth and would be sited several metres from the side boundaries of the Appeal site. As a result there would be little scope for any loss of privacy within the adjoining dwellings. As with the dwellings in Chichester Drive West the balcony itself would reduce any overlooking from some of the first floor habitable rooms.
12. The existing rear garden to the Appeal property provides a large and elevated space for outdoor leisure and entertainment. The proposed balcony is modest in size and has limited potential for entertaining. At the same time it would be sited adjacent to the existing dining room, living room and kitchen windows, which would likely be open during warm weather conditions, when the rear garden or balcony are most likely to be used. As a consequence of these factors, the use of the proposed balcony would be highly unlikely to result in additional and undue noise or disturbance for local residents.
13. I conclude on this main issue that the proposed development would not have a materially harmful impact on the living conditions of the occupiers of the adjoining and nearby properties due to loss of privacy, noise or disturbance. Accordingly the scheme would comply with policies QD14 and QD27 of the Local Plan, which together and amongst other things seek to ensure that new development does not cause significant harm to the living conditions of existing residents.

Conclusion

14. Having regard to the conclusions on both main issues the Appeal is allowed.

E Lawrence

INSPECTOR