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## Appeal Decision

Site visit made on 12 November 2014

by **Ray Wright** BA(Hons) DipTP MRTPI

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

Decision date: 20 November 2014

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**Appeal Ref: APP/Q1445/D/14/2226618**  
**7 Hollingbury Copse, Brighton BN1 6XD**

- 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 John Vousden against the decision of Brighton & Hove City Council.
  - The application Ref BH2014/01601 was refused by notice dated 29 July 2014.
  - The development proposed is 'remove existing rear conservatory and part section single storey extension and rebuild single storey rear extension with roof terrace.'
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension with roof terrace, at 7 Hollingbury Copse, Brighton BN1 6XD in accordance with the terms of the application, Ref BH2014/01601, dated 15 May 2014, 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 plan: 200A.
  - 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 dwelling.

### Main issue

2. The main issue in this case is the effect on the living conditions of adjoining occupiers, having particular regard to overlooking and loss of privacy.

### Reasons

3. The appeal relates to a detached property within a cul-de-sac of seven houses of different form and design. The proposed development involves the erection of a single storey rear extension in an area currently occupied by a raised patio, an existing 'breakfast' room and a conservatory. The Council raise no objection to the principle of a single storey rear extension and I have no reason to disagree with this assessment. The Council's concern relates to the proposed terrace area on the flat roof of the terrace.
4. One of the principles of the National Planning Policy Framework (Framework) is to seek a good standard of amenity for all existing occupiers of land and buildings. Policies QD27 and QD14 of the Brighton and Hove Local Plan 2005

(LP) similarly indicate planning permission will not be granted where there is a loss of privacy or amenity to neighbouring properties.

5. At first floor level the property currently has three rear facing bedroom windows. It is proposed to convert one of the two existing windows to bedroom '3' to an opening with a half glazed door, leading to the flat roof of the extension, forming a terrace with boundary railings.
6. In the vicinity of the appeal property the ground slopes significantly down from north to south, with the appellant indicating that the appeal dwelling is around 2.5 metres lower than buildings to the north fronting Surrenden Road. These properties are at an angle and some distance from the appeal site, consequently views from the proposed terrace area would be generally limited to the ends of their garden areas and associated outbuildings, and any impact would be considerably reduced due to the upwardly sloping ground. To the south, the adjoining property in Hollingbury Copse has its main orientation away from the appeal site, such that views from the proposed terrace would again be limited to angled views of its garden area.
7. The presence of the terrace off this bedroom would be liable to intensify activity in this area over and above that from the existing bedroom. However, due to the position of the terrace relative to nearby properties and existing levels, to my mind, there would be no material harm to the living conditions of adjoining occupiers from increased overlooking or direct loss of privacy. As such, I find no conflict with the Framework or Policies QD14 or QD27 of the LP.

### **Other Matters**

8. The appellant has referred to a balcony at 5 Hollingbury Copse and highlighted some inconsistency in the decision making regarding this and the current appeal case. However, while I have had regard to this I do not have full details of the circumstances of that scheme. I also noted that two properties in Surrenden Road also appear to have rear balcony areas at first floor level. I have, in any event, considered this appeal on its individual merits, based on the specific site circumstances.

### **Conclusion**

9. For the reasons given above, I conclude that the appeal should be allowed.

### **Conditions**

10. I have considered the conditions suggested by the Council should the appeal succeed against the advice in Planning Practice Guidance and for clarity. The standard commencement condition is required as is, a condition referring to the relevant plan, for the avoidance of doubt and in the interests of proper planning. To integrate this extension with the existing house it is important that suitable external finishes are used, therefore a condition requiring proposed external materials to match those existing is necessary. The appellant has indicated that a condition, requiring screening to the terrace, could be imposed if required. Due to the siting and arrangement of properties in this particular case, this is unnecessary.

*Ray Wright*

INSPECTOR