



Appeal Decision

Site visit made on 12 November 2009

by **Keith Manning BSc (Hons) BTP MRTPI**

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

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Decision date:
17 November 2009

Appeal Ref: APP/Q1445/D/09/2112381 2 Roedean Crescent, Brighton BN2 5RH

- 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 E Thompson against the decision of Brighton & Hove City Council.
- The application Ref BH2009/01397, dated 11 June 2009, was refused by notice dated 20 August 2009.
- The development proposed is erection of a rear first floor conservatory.

Decision

1. I dismiss the appeal.

Main issues

2. The main issues are; the effect of the proposed development on the character and appearance of the area with particular regard to the street scene; and its effect on the living conditions of neighbouring occupiers with regard to privacy.

Reasons

3. The appeal site is typical of its locality in that it is an attractive detached house of individual design with, by virtue of the topography, commanding views of the sea. The terrace upon which the proposed conservatory would be situated affords an amenity to the master bedroom that takes full advantage of the sea view. Terraces and balconies for this purpose are common in the area and this one appears to be an established feature of the house. Conservatories at first floor level appear less common, albeit not wholly absent.
4. The proposed development would be at the rear of the house. Nevertheless, from the vicinity of the junction of Roedean Heights with Roedean Crescent, the terrace in question is quite visible from the street at relatively close quarters, albeit that in the summer months deciduous trees would at least partially screen the conservatory proposed to be superimposed upon it. More distant views of the proposed development would be possible from various points in the lower-lying area to the south-east, for example from parts of Roedean Road and Roedean Way, but it is the close view from the street that would have the most significant impact within the public domain.
5. The proposed conservatory would project almost the full depth of the terrace, appearing from the street as a significant elevated structure and that bulk, accentuated by the rear facing gabled treatment, would be rendered particularly incongruous by the awkward relationship with the existing roof of

the house that would be created by the hipped element of the conservatory roof sloping down to the eaves of the house. Those factors would combine to create a conspicuously ill-proportioned addition to an otherwise visually attractive house in a manner that would have a negative impact upon the street scene. For that reason, I consider that the proposed development would harm the character and appearance of the area contrary to the intentions of saved policies QD2 and QD14 of the Brighton & Hove Local Plan which respectively concern general design principles and extensions and alterations specifically.

6. The elevated conservatory as proposed would project beyond the rearmost first floor elevation of the host property, thereby affording views from within across the rear elevation of 4 Roedean Crescent, albeit mitigated by existing boundary vegetation. Although the visibility of the projecting part of the conservatory from that property might create a perception of an enhanced ability to overlook its rear elevation and garden, the existing reality is that occupiers of 2 Roedean Crescent may do so unhindered now and logically are more likely to use the terrace in fine weather when privacy in the adjacent gardens, and that of 4 Roedean Crescent in particular, is most likely to be of concern.
7. Although the conservatory would extend the periods when overlooking could occur, it is probable in my view that seating would generally be arranged to appreciate the broader vista to the south and it is entirely conceivable that blinds or other forms of screening to the side windows would be deployed on many occasions to help maintain tolerable temperatures within the proposed conservatory. I consider that a conservatory in this location would, in practice, be as likely to reduce overlooking as to exacerbate it, certainly in favourable weather conditions. On that basis, I do not consider that the privacy of neighbouring occupiers would be significantly compromised by the proposed development and therefore there would be no conflict concerning the relevant intentions of the saved local plan policy QD14 in that respect, or those of saved policy QD27, which also aims to protect amenity.
8. Overall, however, in view of my conclusion on the first issue concerning the effect of the proposed development on the appearance of the host property and hence, in its specific circumstances, the character and appearance of the immediate area, I consider that the proposed development would give rise to harmful conflict with the intentions of the development plan. No material considerations sufficient to outweigh that conflict have been identified and I therefore conclude that the appeal should be dismissed.

Keith Manning

Inspector