



# Appeal Decision

Site visit made on 6 April 2010

by **Rob Huntley BSc MRTPI**

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

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**Decision date:**  
**22 June 2010**

## Appeal Ref: **APP/Q1445/A/09/2117903** **Flat 6, 20 Ventnor Villas, Hove, BN3 3DE**

- 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 Andrew Milledge against the decision of Brighton and Hove City Council.
- The application Ref BH2009/00961, dated 16 April 2009, was refused by notice dated 18 June 2009.
- The development proposed is "*Conservation rooflight in connection with a loft conversion. Small roof projection to accommodate French doors, giving access to a new balcony*".

### Procedural Matter

1. The Council officer's report makes reference to the Brunswick Town Conservation Area. However, from the representations made and the plan of the Conservation Area provided by the Council, I note that the appeal property lies within the Cliftonville Conservation Area. I have considered the appeal on that basis.

### Decision

2. I dismiss the appeal.

### Main issue

3. The main issues are;
  - i) whether the proposed development would preserve or enhance the character or appearance of the Cliftonville Conservation Area; and
  - ii) the effect of the proposed development on the living conditions of the occupants of adjoining properties, including at 19, 20 and 21 Ventnor Villas, in terms of privacy.

### Reasons

#### *Character or Appearance*

4. The 3 and 4-storey terraces and semi-detached pairs of residential buildings fronting Ventnor Villas vary in their design details, but exhibit a harmonious consistency of style in views from the street. The proposed development, although not prominent from public vantage points, would be seen from the rear gardens of nearby properties in Ventnor Villas and from 1st floor windows and terraces of properties fronting George Street, outside the Conservation

Area to the west. In these views of the rear of the properties, a greater degree of variation is apparent, including 1, 2 and 3-storey projections. I also noted examples of external metal staircases at the rear of nearby properties and, as the appellant has pointed out, at least one example of a raised terrace at one of the Ventnor Villas properties to the south.

5. The rear projections, although varying in height and detailed design, are characterised by pitched roofs, consistent with the treatment of the frontage buildings. I note that at some buildings, including the appeal property, small projections to the side exhibit flat roofs behind parapets. However these appear to me to be original design features. The removal of the pitched roof above the three-storey rear projection at the appeal property, as is proposed in this appeal, would introduce a feature inconsistent with the rear views of the Ventnor Villas properties and the prevailing character of this part of the Conservation Area. The parapet proposed around the roof terrace would increase the apparent bulk and alter the proportions of the rear projection. This would be exacerbated with the addition of glazing and metal railings above the parapet.
6. Dormers and similar roof alterations, one accommodating doors leading to a small balcony, exist at several nearby properties in Ventnor Villas, mainly on the street-facing side. However, I observed that these are generally located away from roof edges, such that they are set within an expanse of roofslope. The dormer-style projection proposed to accommodate the access doors leading to the roof terrace would, by contrast, cut through the eaves line very close to the hipped slope of the roof. This would create an awkward and discordant feature, not consistent with the character and appearance of the rear of the appeal property and nearby buildings fronting Ventnor Villas.
7. The proposed window in the rear facing roofslope would be of modest proportions and similar to at least one other example which I observed nearby. Although I consider that this element would not be objectionable, I conclude overall that the removal of the pitched roof, the construction of the raised parapet and the roof alteration to accommodate the proposed access doors would harm the appearance of the appeal property and would fail, therefore, to preserve or enhance the character and appearance of the Cliftonville Conservation Area. There would, as a consequence, be conflict with policy QD14 of the Brighton and Hove Local Plan 2005 (Local Plan), which seeks, amongst other things, to ensure that development is of a high quality of design in terms of scale, height and siting, taking account of the characteristics of the host property and those nearby. There would also be conflict with the guidance contained in the Council's Supplementary Planning Guidance Note 1 "Roof Alterations & Extensions", which provides that dormers should normally be set back from the eaves line and well contained within the roof profile.

#### *Living Conditions*

8. From the proposed roof terrace clear views would be obtainable into the private garden of flat 3 at the appeal property, into the gardens at Nos 19 and 21 adjacent and, at a greater distance, into gardens further to the north and south. Although views over nearby gardens from residential properties is a common occurrence within urban areas, those that would be enabled by the

proposed development would be over an arc of 180° and from the equivalent of 3<sup>rd</sup> floor level.

9. The resulting degree of overlooking of the rear garden areas would, therefore, be significantly greater and more obtrusive than is obtainable from the existing windows in the rear elevation of the appeal property. Because of the projection of the roof terrace from the rear of the building, angled views would also be obtainable back towards the rear windows of other residential units within the appeal property, at ground and first floor level, and towards those at No 21. The appellant comments that such views could be screened by the use of railings and glazed panels but, as I have indicated above, these features would unacceptably add to the bulk and disrupt the proportions of the rear projection to the building.
10. I appreciate that the roof of a projection to the rear of a property nearby to the south is used as a terrace. However, that is at a lower level, and from which views are restricted by built forms on at least 2 sides. I do not therefore consider that the compromise to privacy in that case is comparable to that which would arise with the appeal proposal. I also note that beyond the high wall of the garden within the appeal property, the roof of a single storey extension to the rear of a building fronting George Street is furnished with a table and chairs, suggesting use as a raised terrace. However, the appellant advises that this is associated with a commercial use as a hairdressers rather than a residential property and I consider that any use of that area would be more likely to be during the daytime period. Use of the terrace proposed would be likely, in my opinion, to include evening hours, giving rise to a greater infringement of neighbours' privacy.
11. For these reasons I conclude that use of the proposed roof terrace would harm the living conditions of the occupants of adjoining properties at 19 and 21 Ventnor Villas, and those of flat 3 on the lower floor of the appeal building, in terms of privacy. This would be in conflict with policies QD14 and QD27 of the Local Plan, which seek to ensure that development does not give rise to unacceptable overlooking, compromising privacy.

### **Conclusion**

12. I have considered all other matters raised and, for the reasons I have given, I conclude that the appeal should be dismissed.

*Rob Huntley*

INSPECTOR

