



Appeal Decision

Site visit made on 19 July 2010

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

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Decision date:
3 August 2010

Appeal Ref: APP/Q1445/A/10/2121807 2 & 3 Cavendish Mews, Hove, BN3 1AZ

- 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 Philip Mason against the decision of Brighton & Hove City Council.
- The application Ref BH2009/01835, dated 28 July 2009, was refused by notice dated 12 October 2009.
- The development proposed is rear balconies to Nos. 2&3 Cavendish Mews and installation of patio doors onto same.

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are:
 - a) the effect of the proposal on the living conditions of occupants of neighbouring dwellings in relation to overlooking and loss of privacy;
 - b) whether the proposal would preserve or enhance the character or appearance of the Brunswick Conservation Area.

Reasons

3. Nos. 2 and 3 Cavendish Mews are two three-storey terraced houses set behind the predominant street frontage. Neither the front nor rear elevations are readily visible from the main streets of the Brunswick Conservation Area. To the rear of Cavendish Mews is a modern residential development at Golden Lane the rear windows and gardens of which are adjacent to the appeal properties. The proposal is to remove existing windows from both houses at 2nd floor level and install a joint balcony accessed by French doors.

Living conditions

4. The gardens of 8 and 9 Golden Lane are immediately adjacent to the rear elevation of 2 and 3 Cavendish Mews. At present there is limited overlooking of these gardens from the landing and bedroom windows of these mews houses. The proposed balcony with its French doors would protrude from the rear elevation of the building and would allow people to stand and look directly over the gardens. This would be particularly intrusive in view of the height and position of the proposed balcony in relation to the existing gardens. It would

also increase the potential for overlooking of other gardens to the rear of the Golden Lane development. In my view this give rise to a significant increase in the amount of overlooking which could take place and I consider this would reduce the privacy of the amenity areas and be materially harmful to the occupiers. Furthermore, the projection of the balcony beyond the rear elevation of the building would also permit increased overlooking of habitable rooms and other gardens elsewhere in Golden Lane.

5. For these reasons I conclude that the proposed balcony would give rise to overlooking and loss of privacy which would be harmful to the living conditions of occupants of the Golden Lane development and particularly to those who live in Nos. 8 and 9. It would therefore be contrary to saved Policies QD14 and QD27 of the Brighton & Hove Local Plan which seek to protect neighbours from unacceptable overlooking and loss of privacy. I consider this matter alone to be of sufficient weight to dismiss the appeal.

Character and appearance

6. The proposed balcony would be partly inset between two extensions, above a single-storey element of Nos. 2 and 3 and would project a little beyond the rear of the building. It would leave a gap between its underside and the single-storey extension and would therefore be an unusual and incongruous feature which would appear to be stuck on to the rear elevation. In my view it would detract from the simple and traditional appearance of the existing rear elevation which, although not highly visible from the main streets of the conservation area, can be clearly seen from the rear of several nearby properties.
7. A balcony of the type proposed, which would use modern materials, is not a feature of the immediately surrounding street scene. Other outdoor amenity spaces which are not at ground level appear to be comprised of the roof terraces on existing extensions where they are enclosed by walls or fences or an integral feature of the original design, as is the case with the Golden Lane development. My attention was drawn to examples of balconies nearby on older buildings which have used modern materials. However, these were neither visible from the area within Brunswick in which Nos. 2 & 3 are located, nor similar in other respects. I therefore consider none of these examples to be a precedent which I am obliged to follow or comparable with this proposal which I have determined on its planning merits.
8. For these reasons I conclude that the proposed balcony would be harmful to the character and appearance of the host property and therefore to the Brunswick Conservation Area contrary to saved Policies QD1, QD2, QD14 and HE6 which seek high quality design that respects its local setting.

Conclusions

9. For the reasons set out above and having regard to all other matters raised, I find nothing to alter my conclusion that the appeal should be dismissed.

Sheila Holden
INSPECTOR