



Appeal Decision

Site visit made on 24 August 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:
1 September 2010

Appeal Ref: APP/Q1445/D/10/2132084
17 Shepham Avenue, Saltdean, Brighton BN2 8LS

- 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 Mrs Emma Fancy against the decision of Brighton & Hove City Council.
- The application Ref BH2010/01043, dated 1 April 2010, was refused by notice dated 1 June 2010.
- The development proposed is a rear balcony.

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are the effect of the proposed balcony firstly, on the living conditions of the occupants of adjoining dwellings in relation to overlooking and loss of privacy and secondly, on the character and appearance of the area.

Reasons

3. Shepham Avenue runs along a ridge and all the properties on its western side have fine rear views over Saltdean and the Downs. The varied appearance of the rear elevations, some of which include decking and balconies, reflect their mid-20th century design, the tastes of property owners and the desire to enjoy the views. The steep slope means that No 17's ground floor at the front is its first floor at the rear. The proposal is to construct a balcony at first floor level across the full width of No 17 with access to it from both the kitchen and the living room via new patio doors.

Living conditions

4. The first floor windows of No 17 already overlook the gardens of Nos. 15 and 19. The intrusive effect of this overlooking is less in relation to No 15 due to the distance between the houses, which are separated by the garage of No 17, and the presence of a high hedge along the shared boundary. By contrast there is direct overlooking of the garden, rear decking and conservatory of No 19, particularly from the kitchen window. No 19 also directly overlooks No 17 and can do so from rear windows, a conservatory and a first floor window in the side elevation. However, the ground level decking of these two properties is separated by a fence which provides some privacy for the occupants of both properties.

5. The proposed first floor balcony would increase the amount of direct overlooking of the decking and rear garden of No 19, particularly given its size, height and proximity to the shared boundary. The current inter-visibility between the gardens occurs from inside the houses. With the proposed balcony it would take place from outside which, in my view, would make it more intrusive and harmful. I consider that the obscure glass screen, which is only proposed to be 1.9m high for part of its depth, would be inadequate to prevent this overlooking. I therefore conclude that the proposed balcony would be harmful to the living conditions of the occupants of No 19 arising from increased overlooking and loss of privacy. The proposal would fail to comply with saved Policies QD14 and QD27 of the Brighton & Hove Local Plan which seek to protect residents from the adverse consequences of development.

Character and appearance

6. On my site visit I saw balconies above ground level from the garden of No 17, notwithstanding the Council's statement that there are no first floor balconies with planning permission in the immediate area. In this context it seems to me that the principle of a first floor balcony cannot be considered incongruous. The proposal would only be visible from the immediately adjoining rear gardens and would not detract from the appearance of the rear elevation of No 17 any more than existing balconies affect others. I conclude that the proposed balcony would not be harmful to the character and appearance of the host property or the surrounding area and in this respect would comply with saved Policy QD14 of the Local Plan which seeks alterations that are well designed and appropriate to their setting.

Conclusions

7. I understand that the appellant wishes to enhance her property by having direct access to an amenity space from the main living areas and I have not found that the proposal would be harmful to the character and appearance of the area. However, these factors do not to overcome the harm I have identified to the living conditions of the occupants of No 19. For this reason and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Sheila Holden
INSPECTOR