



## Appeal Decision

Site visit made on 8 April 2016

**by Timothy C King BA (Hons) MRTPI**

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

Decision date: 09 May 2016

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**Appeal Ref: APP/Q1445/D/16/3142275**  
**17 Old Farm Road, Brighton, BN1 8HE**

- 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 J Allen against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/03331, dated 14 September 2015 was refused by notice dated 30 November 2015.
  - The development proposed is '*Resubmission of application for roof terrace with metal railings and other associated works.*'
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### Decision

1. The appeal is allowed and planning permission is granted for a roof terrace with metal railings and other associated works at 17 Old Farm Road, Brighton, BN1 8HE in accordance with the terms of the application Ref BH2015/03331, dated 14 September 2015, 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 plans: jef 01B, jef 05A, jef 06A, jef 10D, jef 15D and jef 16D.

### Procedural Matter

1. Since the appeal was lodged the Council, on 24<sup>th</sup> March 2016, adopted its City Plan Part 1 document (CP). Nonetheless, Policies QD14 and QD27 of the Brighton & Hove Local Plan 2005 (LP), as cited in the Council's Reason for Refusal are retained, and in reaching my decision I have had regard to the overarching CP Policy SS1 which promotes sustainable development. In the circumstances, I am satisfied that the adoption of the CP document does not materially affect this appeal.

### Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the host property and the surrounding area, and also the effect on the living conditions of neighbouring occupiers, with particular regard to privacy and overlooking.
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## **Reasons**

### *Character and appearance*

3. The appeal dwelling is a two-storey semi-detached dwellinghouse with a flat-roofed extension to the side. It is set back from Old Farm Road which rises sharply in ground level eastwards. As such, the residential properties in Graham Avenue, whose lengthy rear gardens abut the side curtilage of the appeal site, are at a significantly lower level and with their main rear building lines some considerable distance away.
4. It is proposed that a door be installed in the dwelling's main flank wall, as a replacement for a landing window, in order to access a section of the side extension's flat roof. This would effectively be in respect of a compound formed, set in from the roof's perimeter at its front, side and rear, and bounded by metal railings with horizontal cabling to a height of approximately 1.1m.
5. LP Policy QD14 and the Council's Supplementary Planning Document 12 'Design Guide for Extensions and Alterations' (SPD) both aim for good design, requiring that such development does not detract from the appearance of the property or the street's general character. In this particular instance I find that certain factors mitigate in favour of the proposal. In illustration, with the dwelling set back from the street, and with the proposed railings set in from the extension's edges, I do not consider that the railings' presence, due to their setting and limited height and expanse, would represent a particularly unsympathetic feature, or certainly one of such incongruity as to create visual harm. Neither do I consider that the railings would be of such prominence as to detract from the host property nor the relationship between the appeal dwelling and No 16 Old Farm Road, its semi-detached neighbour.
6. On this main issue I thereby conclude that the proposal would not be harmful to the character and appearance of the host dwelling nor that of the surrounding area, and I find no material conflict with LP Policy QD14 or the Council's SPD.

### *Living conditions*

7. At my site visit I was afforded access to the side extension's flat roof and was thereby able to survey the immediate surroundings and, in particular, the property's relationship with the neighbouring dwellings in Graham Avenue and their rear gardens which rise up to meet the appeal site's western boundary.
8. Immediately beyond the side wall of the flank extension is an area of garden within the appeal site's curtilage which stretches approximately 10 m to the common boundary. This itself is well screened by high hedging and also mature coniferous trees which impede and obscure views towards the Graham Avenue properties. Moreover, these are properties with substantial rear garden depths of some 40m.
9. With the distances involved, and the dwelling being significantly positioned away from the side boundary, the screening thereto and also the terrace's proposed set-in from the roof's flank edge I am satisfied that the occupiers of the neighbouring Graham Avenue properties would neither experience actual nor perceived overlooking, and its privacies would not be compromised by the proposal. The Council has acknowledged that No 16 would not be affected in

this regard and, as the rear section of railings would fall short of the dwellings' main rear building line, I agree with this consideration.

10. On this main issue I conclude that the living conditions of neighbouring occupiers would not be harmed by the proposal and, to this end, I find no conflict with LP Policy QD27.

### **Conclusion**

11. I have not found that harm would result on either of the two main issues. As such, for the above reasons, and having had regard to all matters raised, I conclude that the appeal should succeed. In terms of conditions, apart from the statutory time limit, for the avoidance of doubt and in the interest of good planning, I impose a condition which requires full observance and implementation of the approved plans.

*Timothy C King*

INSPECTOR

