
Appeal Decision

Site visit made on 9 March 2015

by Louise Phillips MA (Cantab) MSc MRTPI

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

Decision date: 17 March 2015

Appeal Ref: APP/Q1445/D/14/2225626
25 The Droveaway, Hove, East Sussex BN3 6LF

- 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 A Standing against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/02163, dated 30 June 2014, was refused by notice dated 28 August 2014.
 - The development proposed is a glass safety rail at second floor level.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon the character and appearance of the host building and wider area; and upon the living conditions of adjacent residents in respect of privacy.

Reasons

Character and Appearance

3. The appeal property is a detached house in the art deco style. Its large windows and flat roofs set it apart from most of the other buildings in the area, including its immediate neighbours.
4. The proposed development is to install a glass balustrade upon the flat roof at second floor level to facilitate access from a bedroom housed within a rooftop extension to the original building. An earlier application for a similar balustrade to create a larger terrace was refused by the Council in 2012. This decision was subsequently upheld on appeal¹, although the Inspector granted planning permission for glass doors in the west elevation of the bedroom extension to replace pre-existing windows.
5. In respect of the balustrade and terrace then proposed, the Inspector found that the former, due to its transparency, would not appear out of place on this highly glazed building. However, he considered that if items were placed upon the terrace, this would upset the clean lines of the building to the detriment of the character and appearance of the area.

¹ Council Ref BH2012/01194; and Appeal Ref APP/Q1445/D/12/2182721.

6. In the present scheme, the balustrade would be positioned approximately 0.3m from the front wall of the bedroom and 1.0-1.5m from the glass doors on the west side. Like the previous Inspector, I do not consider that the balustrade itself would look out of place; and the resultant terrace would now be so small that it would be difficult to leave any quantity of domestic paraphernalia upon it. Moreover, in my view, the doors in the second floor extension, combined with the presence of parapet walling around much of the edge of the surrounding roof, give it the appearance of a terrace in any case. Therefore, if a small number of items were to be left outside, it would not be significantly detrimental to the street scene.
7. For these reasons, I conclude that the proposed development would not be harmful to the character and appearance of the host building or wider area. Thus it would respect the aims of Policy QD14 of the Brighton and Hove Local Plan, 2005.

Living Conditions

8. The Inspector who determined the previous appeal found that the scheme before him would result in overlooking detrimental to the living conditions of neighbouring occupiers at No 27 The Droveaway. Notwithstanding the reduction in the size of the terrace now proposed, it would still be possible to look into nearly all of the rear garden of this property when standing upon it. Furthermore, while I do not know what room it serves, it would also be possible to look directly onto a facing dormer window.
9. I acknowledge that a similar view of the house and garden at No 27 is available from within the second floor bedroom itself, but I agree with my colleague that a balcony is more likely to result in prolonged use and give rise to a more pronounced feeling of unwelcome and intrusive surveillance. Whilst the appellant suggests that the purpose of the smaller balcony would be to provide safe access for maintenance rather than for sitting out, it would nevertheless be sufficiently wide that some recreational use could be made of it. Therefore, as a similar degree of overlooking would result, I find no reason to reach a different conclusion to that of the previous Inspector in relation to the effect of the proposal upon the occupiers of No 27. I note that the mechanism for opening the existing doors would necessitate a width of approximately 1.0m to the balustrade, but this matter carries very limited weight in my decision.
10. I have also considered the concerns raised in respect of privacy for the occupiers of Nos 1 and 2 Mallory Road. However, these properties are at a greater distance from the site and the nature of existing boundary planting prevents direct views. Therefore the proposed development would not be harmful to living conditions at these dwellings, but that does not alter my findings in relation to No 27 The Droveaway.
11. Consequently I conclude that the appeal scheme would harm the living conditions of adjacent residents at No 27 The Droveaway in respect of privacy contrary to the relevant provisions of Policies QD14 and QD27 of the Local Plan.

Conclusion

12. I have found in favour of the appellant in terms of the effect of the proposed development upon the character and appearance of the area. However, this

does not outweigh my conclusion that it would harm the living conditions of neighbouring occupiers in respect of privacy. Overall, therefore, I conclude that the appeal should be dismissed.

Louise Phillips

INSPECTOR

