



Appeal Decision

Site visit made on 14 December 2018

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 February 2019

Appeal Ref: APP/Q1445/W/18/3203983

27 Prestonville Road, Brighton, BN1 3TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for full planning permission.
 - The appeal is made by Mr and Mrs Glass against Brighton and Hove City Council.
 - The application Ref BH2018/00866 is dated 16 March 2018.
 - The development proposed is rear extensions to 1st and 2nd floor levels of existing residential 2 bedroomed maisonette dwelling, including a rear dormer to existing loft space to create an additional bathroom and external terrace, with concurrent internal alterations.
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Decision

1. The appeal is dismissed and planning permission is refused.

Main Issues

2. The main issues are the effect of the development on i) the character and appearance of the area, and ii) the living conditions of the neighbouring residents, with regards to privacy, noise and disturbance.

Reasons

Character and Appearance

3. The property comprises the upper floors of No 27 Prestonville Road which is the mid-terrace of a row of three properties. All three of the properties have rear projections. No 26 Prestonville Road has a large rear roof extension which extends above the shared ridge line and is a prominent feature.
4. The proposed extension would raise the height of the existing rear projection to slightly above the eaves line with a terrace on top accessed via doors from the new dormer. The 1.5m screen wall to the terrace would extend above the eaves and would be visible above the existing rear outrigger to No 26 from York Villas. Due to the topography, there are also wider views of the rear of the terrace from Howard Terrace and the bridge over the railway line. In my view the terrace and screen wall would appear as a bulky and incongruous feature which would break the rhythm of the roofscape. I therefore agree with the Council that this element would be out of keeping and harmful to the character and appearance of the area.

5. The appellant points to the presence of other terraces/balconies in the area which are noted. However, from what I have seen, and specifically 20, 21 and 25 Prestonville Road to which I was referred, the terrace and balustrades are at a lower level below the eaves line. They do not therefore result in a comparable impact to that which is before me. In any case, I have treated the appeal proposal on its own merits.
6. The changes to the fenestration and materials established with the amended plans result in a design which, in my view, would be in keeping with the existing building. The dormer is not as wide as the rear extension, below the ridge line and positioned against the large roof extension at No 26. I therefore consider that this part of the proposal would not be an overly dominant addition and is generally reflective of the guidance set out in *Brighton and Hove City Council Supplementary Planning Document – design guide for extensions and alterations, June 2013 (SPD12)*.
7. Nevertheless, for the above explained reasons I conclude that the proposal would result in unacceptable harm to the character and appearance of the area, contrary to Policy QD14 of the Brighton and Hove Local Plan 2005, which requires alterations to be well designed, sited and detailed in relation to the property, adjoining properties and to the surrounding area.

Living conditions

8. The depth and height of the proposed terrace would give an elevated outlook over the neighbouring properties. Such outcomes are referred to in the design guidance SPD 12 (page 19), which indicates that balconies on terraced properties will generally be considered unacceptable, and that the use of screening will generally not be considered sufficient mitigation as it would result in increased visual bulk.
9. The 1.5m high screen wall would in part provide mitigation but standing would allow for direct overlooking into the upper floor of neighbouring property, No 26. The appellant indicates that the nearest window serves a communal stairwell, however I have not been provided with any evidence to support this and as the top floor of accommodation I am not convinced that this would be the case. Given the proximity of the terrace to the window I consider that the close relationship would result in an unacceptable loss of privacy to that neighbour.
10. With regard to the other neighbouring properties, 14 York Villas and 28 Prestonville Road, these are located further away from the proposed terrace and there are already several windows overlooking the side and rear of these properties. As such, I do not consider there would be an unacceptable loss of privacy. Similarly, given the busy urban context, the additional noise generated from the balcony would not be to an extent which would warrant withholding planning permission.
11. I therefore conclude that the proposal would result in unacceptable harm to the living conditions of neighbouring occupants at No 26, contrary to design guidance SPD12 and to Brighton and Hove Local Plan Policy QD27 which seek to protect the amenity of adjoining residents.

Other Matters

12. I acknowledge that the proposal would provide external living space and improved internal living accommodation. I also note that residents of the neighbouring properties have supported the scheme. However, the benefits to the appellant would not outweigh the above stated harm to the character and appearance of the area and to the living conditions of occupiers of the neighbouring property.
13. I appreciate that the appellant has sought to address the initial concerns raised by the Council and has found the delays to the process frustrating. However, whether a refund of the planning application fee is warranted is not a matter for me to consider within the context of an appeal made under section 78 of the above Act.

Conclusion

14. For the reasons explained, and taking all other matters into consideration, I conclude that the appeal should be dismissed and planning permission refused.

G Ellis

INSPECTOR

