



# Appeal Decision

Site visit made on 25 August 2009

by **C J Leigh BSc(Hons) MPhil(Dist) MRTPI**

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

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**Decision date:**  
**21 September 2009**

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## Appeal Ref: APP/Q1445/A/09/2103065

*74 Crescent Drive North, Woodingdean, Brighton, East Sussex BN2 6SN*

- 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 & Mrs K Sinar against the decision of Brighton & Hove City Council.
- The application Ref. BH2007/04540 was dated 29 November 2007 and was refused by notice dated 27 October 2008.
- The development proposed is described as 'roof conversion and rear extension'.

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### Preliminary matters

1. I consider the Council's description of the proposed development more accurate than the appellants' and so have decided this appeal on that basis, namely the erection of a rear conservatory, rear garage extension and two dormers (one with Juliet balcony).

### Decision

2. I allow the appeal and grant planning permission for the erection of a rear conservatory, rear garage extension and two dormers (one with Juliet balcony) at 74 Crescent Drive North, Woodingdean, Brighton. East Sussex BN2 6SN in accordance with the terms of the application (ref: BH2007/04540, dated 29 November 2007) and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
  - 2) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those used in the existing building.
  - 3) The guardrail to the doors on the dormer shown on the approved drawings shall be installed flush to the external walls to the dormer and thereafter retained as such, and no part of the flat roof to the extended garage shall be used as a balcony, roof garden or similar amenity area.

### Main issues

3. I consider the main issues in this appeal are the effect of the proposed development on, firstly, the character and appearance of the surrounding area and, secondly, the living conditions of adjoining occupiers.

### Reasons

#### *Character and appearance*

4. The appeal property lies within a suburban residential area of mixed character, where there is a diversity of architectural styles and building form. Crescent

Drive North and the surrounding area have steep topography which results in No. 74 being set notably lower than the roadway; the land also slopes further down to the south west. No. 74 has a similar appearance to the adjoining property of No. 76.

5. The proposed development would see an extension at ground floor and first floor to the rear, with new dormer windows above and an alteration to the roof. These works would have limited visibility from the street. In views from adjoining properties, and when looking at the altered and extended rear elevation of No. 74, I consider the proposed changes would be appropriate to the property. The ground and first floor additions would make effective use of the existing underused area behind the garage, with the conservatory design appearing in scale with the host property. By showing the proposed flat roofed extension at raised level to project no further than the existing rear elevation of the property, I consider that part of the change would not appear dominant to the house; its scale would sit comfortably within that of the extended property.
6. I am satisfied that the proposed two dormers would be appropriate to the extended property. There would be sufficient space provided around the dormers so as to not dominate the roof slope or elevations below. I note that one dormer is shown as being taller, to provide a Juliet balcony, since they match in width and general form I think the dormers would still appear as a balanced pair. Thus, although the design of the dormers would differ to the windows on the host property, I consider that difference would not be so great as to create a discordant feature on the rear elevation. I note that the Council permitted alterations to the rear of the property with two differing dormers in 2002 (ref. BH2002/02702), at which time the Council had published their current Supplementary Planning Guidance (SPG) Note 1: Roof Alterations & Extensions (1999).
7. It is therefore my opinion that the design and positioning of the proposed extensions and dormers would be appropriate to the host property, and to the character and appearance of the wider area. Thus, the proposals would accord with the relevant provisions of saved Policies QD14 and QD27 of the Brighton & Hove Local Plan 2005, and the objectives of SPG Note 1.

#### *Living conditions*

8. The raised position of the appeal property already leads to some degree of overlooking to adjoining properties, although the length of garden and intervening vegetation minimises this. The appeal proposals would result in addition windows in the rear elevation to No. 74. However, due to the distance to adjoining properties and degree of existing mutual overlooking between properties, from my observations at the site visit I consider this would not lead to a material change to the level of privacy enjoyed by adjoining occupiers.
9. No access to the proposed flat roof is proposed by the appellants, although the Council express concern that such access might occur. If that happened then I agree that a raised roof terrace would lead to unacceptable overlooking to adjoining occupiers. The appellants have suggested the imposition of a condition to prevent such use and so, with such a condition similar to that attached to permission BH2002/02702, I consider this matter to be satisfactorily addressed.

10. It is therefore my conclusion on the second issue that the proposed development would not be harmful to the living conditions of adjoining occupiers and so would comply with the relevant provisions of saved Policy QD27 of the Local Plan.

*Conclusion and conditions*

11. For the reasons given, and having regard to all other matters raised, it is my conclusion that the appeal should succeed. I have granted permission accordingly.
12. I have attached the Council's conditions requiring the use of matching materials, to ensure a satisfactory appearance to the development. I have also attached the appellants' suggested condition restricting use of the flat roof area as a terrace, for the reasons stated earlier. The Council seek to remove extensive permitted development rights for the existing property. I am mindful of the advice in Circular 11/95 that such a condition should only be imposed in exceptional circumstances, and I am not persuaded by the Council that existing permitted development rights that might exist at No. 74 should be removed as a consequence of allowing this appeal. I have therefore not attached the suggested two conditions on this matter.

*C J Leigh*  
INSPECTOR

