



# Appeal Decision

Site visit made on 25 August 2009

by **Richard A. Hersey BA DipTP MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**7 September 2009**

---

## Appeal Ref: APP/Q1445/A/09/2104463 25 Roedean Crescent, Brighton BN2 5RG

- 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. and Mrs. Errol and Joanne Barrett against the decision of Brighton & Hove City Council.
- The application, ref. BH2008/01164, dated 26 March 2008, was refused by notice dated 14 November 2008.
- The development proposed is *Demolition of existing dwelling and replacement with new contemporary house.*

---

### Decision

1. I dismiss the appeal.

### Main issues

2. There are two main issues. One issue is the effect of the development on the street scene and the character of the area. The other issue is the effect on the living conditions of neighbouring residents, having regard in particular to overlooking and outlook.

### Reasons

3. It is proposed to demolish the existing two storey chalet-style detached house on the north side of the crescent and to replace it with a house of contemporary design on four levels.
4. With regard to the first issue, I saw that Roedean Crescent is characterised by substantial detached houses in a variety of styles. However, despite the staggered building line and the steeply rising ground from south to north, the predominance of houses of similar heights with pitched tiled roofs means that there is a generally cohesive character to the street. There is no particularly prominent building, apart from one property to the west that occupies a much larger plot; however the appeal site, because of its position in relation to the curving building line, the bend in the road and the rising ground, is very clearly visible in long views from the west.
5. I agree that the site is in principle suitable for a good contemporary building. However I share the view of the Council about the impact of the increased size of the proposed building. Even though the overall height would not exceed the ridge height of the existing building and a shallow pitched roof would be constructed, the bulk of the building at the level of the existing pitched roof would be very much increased. There would be a substantial projecting wing

on the east side and the additional floor levels would be created through extensive excavation of the sloping site.

6. I consider that the overall effect arising from the increased number of floors and the additional accommodation at roof level and at the front would be that the house would appear to be out of scale with the pattern of development in the area. It would be unduly prominent in the street scene. As such, it would conflict with policies QD1 and QD2 (Design) in the Brighton and Hove Local Plan 2005.
7. With regard to the effect on neighbouring properties, I acknowledge the appellants' effort to minimise potential overlooking through retention of existing hedges, the angling of side windows, provision of frosted glass screens and the provision of planters on the edges of the balconies and the penthouse terrace. However, I share the concern expressed by the Council and by the owners of 27 Roedean Crescent about the effectiveness of some of these measures.
8. Although a degree of mutual overlooking is inevitable, and the desire of the appellants to maximise the view of open land to the north is understandable, I consider that the size of the rear balconies and penthouse terrace and their proximity to the side boundaries would be likely to result in an unreasonable degree of overlooking and loss of privacy to the rear gardens of the two adjoining properties. This would be particularly noticeable when compared with the minimal level of overlooking that is possible from the first floor rear windows of the existing house. Furthermore, I consider that the substantially increased depth of building and additional bulk at roof level would be unreasonably intrusive in the outlook from the rear of the neighbouring houses and their gardens.
9. I have had regard to the concern expressed by the owners of no. 27 about additional overshadowing of their property during the afternoon. As that property is now being demolished prior to redevelopment, the potential effect on the house to be built at no. 27 is not clear to me but, from the information available, I do not consider that additional overshadowing of part of the large garden would be serious enough to justify refusal for this reason.
10. On this issue I conclude that the development would have a harmful effect on the living conditions of neighbouring residents, in conflict with policy QD27 (Protection of amenity) of the Local Plan.

*R.A.Hersey*

INSPECTOR