



Appeal Decision

Site visit made on 4 May 2010

by **J Mansell Jagger MA(Cantab) DipTP**
MRTPI IHBC

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

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Decision date:
11 May 2010

Appeal Ref: APP/Q1445/D/10/2124207

10 Hillcrest, Brighton BN1 5FN

- 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 Michael Brown against the decision of Brighton & Hove City Council.
- The application Ref BH2009/02232, dated 16 September 2009, was refused by notice dated 30 December 2009.
- The development proposed is extension of existing terrace to rear at ground floor level.

Decision

1. I allow the appeal, and grant planning permission for extension of the existing terrace to rear at ground floor level at 10 Hillcrest, Brighton BN1 5FN in accordance with the terms of the application, Ref BH2009/12232, dated 16 September 2009, and the plans submitted with it.

Main issue

2. The main issue is the effect of the proposal on the residential amenities of the neighbouring property, with particular regard to outlook and privacy.

Reasons

3. 10 Hillcrest is a semi-detached house, built on steeply sloping ground, two-storey at the front but effectively three storeys at the rear. The terrace, which has already been constructed, forms an extension of a small terrace built in about 1997. The terrace has timber decking, iron and timber railings and a new close-boarded timber screen on the side adjoining 12 Hillcrest. There are steps down to the garden, which is at the lower level.
4. The Council's concerns relate to the impact of the terrace, and the use of it, on the amenities of the adjoining property, 12 Hillcrest. I agree with the Council that the enlarged terrace does not result in a harmful loss of light or overshadowing of 12 Hillcrest and that the issue is whether there is unacceptable harm to the outlook of that property and loss of privacy from overlooking of habitable rooms.
5. The terrace projects some 2.7m beyond a single-storey extension, also built in about 1997, which itself projects some 3.4 metres from the rear elevation of both dwellings. The side timber privacy screen fence measures about 1.6m where it adjoins the extension and slopes down to about 1.0m at the front corner of the terrace.

6. The outlook from 12 Hillcrest is mainly affected by the flank wall of the extension and I do not think that the timber screen causes any additional significant impact, whilst the height of the screen is sufficient to ensure the privacy of people using the terrace. It is possible to see the rear windows of 12 Hillcrest by standing and peering over the fence, but the oblique view and the distance between the terrace and the rear elevation mean that it is difficult to get any clear view into those rooms that are at the same level as the terrace. In extending an existing terrace, at a further distance from the house, I do not consider that there has been any significant increase in overlooking.
7. I conclude that the terrace does not create any unacceptable harm to the residential amenities of the occupiers of 12 Hillcrest and that it does not conflict with the Council's adopted Local Plan policies. I therefore allow the appeal.

J Mansell Jagger

INSPECTOR