



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:
12 May 2010**

Appeal Ref: APP/Q1445/D/10/2124427 17 Madehurst Close, Brighton BN2 0YR

- 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 Neil Baker against the decision of Brighton & Hove City Council.
- The application Ref BH2009/02575, dated 20 October 2009, was refused by notice dated 8 February 2010.
- The development proposed is a staircase from first floor kitchen to garden.

Decision

1. I allow the appeal, and grant planning permission for a staircase from first floor kitchen to garden at 17 Madehurst Close, Brighton BN2 0YR in accordance with the terms of the application, Ref BH2009/02575, dated 20 October 2009, and the plans submitted with it, subject to the following conditions:
 - 1) The staircase shall be painted or stained in a suitable colour, the details of which shall be submitted to and approved in writing by the local planning authority within two months of the date of this decision. Within four months of the date of this decision, the staircase shall be painted or stained in the approved colour and shall be retained in that colour thereafter.
 - 2) The landing area shall not be used as a roof terrace, balcony or similar amenity area.

Main issues

2. The main issues are the effect of the proposal on the character and appearance of the property and on the residential amenities of neighbouring properties, with particular regard to overlooking and loss of privacy.

Reasons

3. The external timber staircase, which has already been constructed, is at the rear of the property and leads from the first floor kitchen to the garden below. A ground floor door has been blocked up and access to the garden at that level is now through a bedroom.
4. Several of the properties on the other side of Madehurst Close have balconies at first floor but none of the other houses in this terrace has yet had any similar additions and the staircase does stand out somewhat as a new feature. To date, the staircase has not been painted or stained. If it were treated in a

darker colour, it would avoid the rather stark appearance that it has at present. These are tall terraced 1970s houses of plain character, with dark red tile hanging to first and second floors, and I do not think that the staircase, suitably treated, would unduly harm their character or appearance.

5. The staircase is not visible from the public domain and is only seen from neighbouring properties at an oblique angle or from their gardens and I do not think that it has an unacceptable impact on their outlook.
6. The gardens of adjacent properties, including the house opposite at 2 Whitehawk Hill Road, are already very visible from the first and second floor windows of the appeal property and I do not think that the use of the staircase would significantly increase that overlooking. The staircase landing is probably too small to be used regularly as a balcony or sitting out area, but a condition can be applied to ensure that it is not used in this way.
7. The Council had specific concerns regarding possible views into the first floor windows of the adjoining house, 19 Madehurst Close. Only brief views, at an oblique angle, are possible when ascending the staircase, which makes it difficult to see into those rooms. The immediately adjacent window serves a kitchen, but it is not possible to see directly into this window when standing on the landing.
8. In the circumstances I do not think that the staircase would lead to any significantly increased overlooking or loss of privacy for the occupiers of neighbouring properties.
9. Subject to the conditions mentioned above, I conclude that the staircase would not materially harm the character or appearance of the property or the residential amenities of neighbouring properties. It would therefore not conflict with the adopted policies of the Brighton & Hove Local Plan, including policies QD1, QD2, QD14 and QD27.

J Mansell Jagger

INSPECTOR